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THE

PUBLIC RECORDS

OF THE

COLONY OF CONNECTICUT,

FROM OCTOBER, 1706, TO OCTOBER, 1716,

WITH THE COUNCIL JOURNAL FROM OCTOBER, 1710, TO FEBRUARY, 1717.

TRANSCRIBED AND EDITED, IN ACCORDANCE WITH A RESOLUTION OF THE GENERAL ASSEMBLY.

BY CHARLES J. HOADLY,

LIBRARIAN OF THE STATE LIBRARY.

HARTFORD:

PRESS OF CASE, LOCKWOOD AND BRAINARD.

1870.

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PREFACE.

The present publication contains the whole of volume IV. of the manuscript Records of the Colony of Connecticut, and the first sixty-five pages of volume V. It contains also, inserted in chronological order between sessions of the General Assembly, the Records of the Governor and Council from October 30th, 1710, to February 19th, 1716–17.

The Council Journal from May, 1698, to October, 1710, is not known to be extant. From October, 1710, to October, 1712, the records of the Council are in one thin volume, unpaged, and generally written but on one side of the leaves. The next volume is of 275 pages, and embraces the period between January, 1712–13, and February, 1727–28, with an entry of the date of 1743, at the end. The minutes of the Council are in the hand-writing of various persons, Governor Saltonstall, Secretaries Stanly, Haynes, and Wyllys, Richard Christophers, etc.: but the greater part of those from 1713 to 1726, is in that of Christopher Christophers, who was Clerk of the Council.

In printing this volume, I have not thought it necessary to preserve the contractions or abbreviations of the original manuscript, as has been done hitherto, or to follow exactly the spelling, save, in general, in the case of proper names.

The fac-simile of one of the first Bills of Credit issued by Connecticut, which faces page 111, is taken from an original in our Archives, *Crimes & Misdemeanors*, II. 39. The original was altered from three shillings to ten shillings, by Ebenezer Seymour, in 1710. Specimens of the two shilling bills of the same emission, altered by him to ten

shillings and forty shillings respectively, may be found in the same volume of Archives.

In November, 1868, a few months after the publication of the fourth volume of the Colonial Records of Connecticut, (1689–1706,) I came into possession of a printed copy of our statutes of the edition of 1673, having annexed, in manuscript, the session laws up to 1698. From 1673 to 1696, the hand-writing was that of Secretary John Allyn, and the remainder that of Secretary Kimberly. Subsequently, the Hon. Robert C. Winthrop placed in my hands a similar manuscript by Richard Christophers. These manuscripts further confirm certain acts and orders omitted from the record by the secretary, but restored to their places in the third and fourth printed volumes, on what was regarded as good authority.

In the preface to the fourth volume, (1689–1706,) reference was made to a law to prevent oppression, by regulating prices and profits, passed in May, 1676, which is not on the record, nor printed by Mr. Trumbull. The law is here inserted from the Allyn MS., in order to render this collection of the acts of our legislature more complete. In the Allyn, Stanly, and Christophers MSS., it immediately follows the act restraining excess in apparel, printed on page 283 of volume second, (1665–1677.)

OPPRESSION.

Whereas a great cry of oppression is heard amongst us, and that principally poynted at workemen and traders, which is hard to regulate without a standard prepard both for advance and for pay duely sett as money, It is therefore ordered, that the price of provission be duely sett at each of o^r^ Generall Courts annually, according to true intelligence from Boston, for money sold, and then for such pay within six moneths payd, no merchant or trader shall advance above two pence upon the shilling for profit, charge and venture from Boston, or other market of like distance, for goods well bought with ready money; trustings and trifles under a shilling being left to each mans agreement, discression and moderation, according to a good conscience, to deal. All goods as are subject to wast, the wast to be allowed as part of the first price or cost of the goods. And all breaches of this order to be punished proportionable to the value of the oppression, treble to the oppression; one third to be restored to the party oppressed, and the

residue halfe of it to the complayner that shall prove the fact, and halfe to the county treasurie where the offence is committed. And as for those tradesmen whose commodities are partly their own labour, and partly materialls they worke upon, as tañers, shoemakers, smiths and such like, as allso such whose dayes labour cannot ordinarily be knowen how much they dayly effect, as weavoures, taylors and such like, and day labourers, there being great difficulty to regulate the prizes of their ware and worke, this Court, purposeing in season to state orders respecting those things which at present is not attaineable, doe in the interem recommend it to all such tradsemen and labourers to consider the religious end of their callings, which is that receiveing such moderat profit as may inable them to serve God and their neighbours with their arts and trades comfortably, they doe not inrich themselves suddainly and inordinately (by oppressing prizes and wages, to the impoverishing their neighboures and rendering them in great measure uncapeable of convenient subsistance,) live in the practice of that crying sin of oppression but avoyd it.

Recently, I have discovered another manuscript of the Laws of the Territory and Dominion of New England, by which the text of those laws printed in the Appendix to volume III. (1678–1689,) pages 402 to 436, may be completed and corrected in several places.

During the period covered by the volume now published, and, in fact, during the whole of the eighteenth century, many interesting documents, and the greater part of the executive correspondence, which should be found in our archives, are missing. The General Assembly, in May, 1771, desired the Governor to collect such public papers and have them bound, that they might be preserved; and Silas Deane, in 1774, in a letter which is published in the American Archives, 4th series, I. 810, called Governor Trumbull's attention to the public loss and inconvenience sustained by the neglect or omission to preserve them in some public office. Many of these documents are still in existence, and it is much to be regretted that they are not in one place, where they can be easily accessible and freely consulted.

State Library, Hartford, C. J. H.
April 25th, 1870.

THE PUBLIC RECORDS

OF THE

COLONY OF CONNECTICUT.

[VOL. IV.]

[1] AT A GENERAL ASSEMBLY HOLDEN AT NEWHAVEN, OCTOBER 10TH, 1706, AND CONTINUED BY SEVERAL ADJOURNMENTS TO THE 18TH DAY OF THE SAME MONTH.

Present at this Assembly,

The Hon^{ble} Major General John Winthrop, Esq^{r}, Governour.
The Hon^{ble} Collonel Robert Treat, Esq^{r}, Deputy Governour.

Assistants,

Daniel Wetherell, Esq^{r},	John Chester, Esq^{r},
Nathaniel Stanly, Esq^{r},	Josiah Rossetter, Esq^{r},
John Hamlin, Esq^{r},	Richard Christophers, Esq^{r},
Nathan Gold, Esq^{r},	Peter Burr, Esq^{r},
Joseph Curtis, Esq^{r},	John Alling, Esq^{r}.

Representatives present at this Assembly are,

Capt. Cyprian Nickols, Capt. Joseph Wadsworth, of Hartford.
Lt. Thomas Talmage, Mr. Abraham Bradly, for Newhaven.
Capt. John Levingstone, Ens. John Richards, for Newlondon.
Lt. James Bennett, Lt. Joseph Wakeman, for Fairfield.
Capt. Samuel Woolcutt, for Windzor.
Capt. Samuel Eells,* Mr. Jonath. Lawe,† for Milford.
Lt. James Treat, Serjt. John Curtis, for Wethersfield.
Capt. Nathan^{ll} White, Lt. Thomas Ward, for Midltown.
Capt. Richard Bushnel, Lt. Solomon Tracie, for Norwich.

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* Speaker. † Clerk.

Capt. Jonath. Sellick, Lt. David Waterbury, for Stanford.
Mr. John Crane, Mr. Robert Lane, for Killinsworth.
Capt. Abraham Fowler, Mr. James Hooker, for Gilford.
Mr. Nehemiah Smith, Serjt. Samuel Fish, for Groton.
Ens. Thomas Tayler, Mr. Josiah Starr, for Danbury.
Capt. John Park, Lt. Daniel Brewster, for Preston.
Mr. Thomas Jud, sen^{r}, Mr. Thomas Jud, jun^{r}, for Waterbury.
Lt. Samuel Hale, for Glassenbury.
Mr. Joshua Ripley, for Windham.
Mr. John Sherman, for Woodbury.
Lt. James Wells, Capt. John Chapman, for Haddum.
Capt. James Judson, Mr. Ambros Thomson, for Stratford.
Mr. William Malbie, for Branford.
Majr. Ebenezer Johnson, Mr. Samuel Brinsmead, for Derby.
Capt. Thomas Yale, Capt. Sam^{ll} Hall, for Wallingford.
Capt. John Higlye, Mr. Sam^{ll} Cornish, for Symsbury.
Mr. Ephraim Minor, sen^{r}, Mr. Henerie Stephens, for Stonington.
Capt. Thomas Hart, Mr. John Hooker, for Farmington.
Ens. John Sprage, Mr. William Clarke, for Lebanon.
Capt. William Eely, Ens. Joseph Peck, for Lime.
Mr. William Parker, Mr. Robert Chapman, for Saybrook.
Mr. Joseph Platt, for Norwalke.
Joseph Knap, for Greenwich.

Acts and Laws passed at this Assembly.

An Act for exempting the settled Ministers of the Gospel from payment of Rates.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authoritie of the same, That all the ministers of the gospel that now are or hereafter shall be settled in this colonie, during the continuance of their publick service in the gospel, shall have all their estates lying in the same town where they dwell, and all the polls belonging to their several families, exempted, and they are hereby exempted and freed from being entred in the publick lists and payment of rates.

[2] || An Act for preventing the unnecessary Expence of Time at the session of the General Assembly, in examining the Lists of Estates of the several Towns.

Whereas by an Act past in the General Assembly holden at Hartford, May the 10th, 1705, it is enacted that the listers in the several towns in this colonie should take due care that the several lists drawn up by them should be transmitted to the General Assembly in October annually:

It is now ordered and enacted by this Assembly, That the

listers shall onely send the sum total of their several respective lists of estates, with the number of male persons in their respective towns, to the General Assembly in October yearly, under their hands, by the deputies of their several towns respectively; and that the said listers shall have power of inspecting their respective lists according to law from the first of October to the last of December annually.

An Act for regulating the Signing of Bills to the Treasurer and Constables upon the Colonie account.

Whereas it is found by experience that there is not due care taken in signing of bills to the treasurer and constables for debts due from the colonie, many persons having accounts signed without the sundry particulars mentioned therein, and unreasonable prizes are allowed for interteinment of men and horses, and for service done for the colonie: for the prevention whereof,

It is ordered and enacted by this Assembly, That for the future it shall not be lawfull for any assistant or justice of the peace within this colonie to sign any account or bill for any person whatsoever to be paid out of the publick treasurie, unless the several particulars with the prizes of them be inserted therein; and due care shall be taken by them that the colonie be not wronged by extravagant prizes for mens service and for such things that shall at any time be taken up for publick use. And all accounts and bills for debt from the colonie not signed according to law shall not be received at any time or accepted by the treasurer, or by any constable or constables, or by the auditors of the colonie accounts for the time being.

An Act for preventing of Fraud and Deceit in barrelling and vending of Tar and Turpentine.

It is ordered and enacted by this Assembly and the authoritie thereof, That the countie courts in this colonie shall in every town needfull thereof, appoint a suitable and fit person to search all barrels of tar and turpentine before it be exposed to sale or shipped on board any ship or vessel for exportation, who shall take care that all such barrels of tar and turpentine be of full gage according to law, and that they be filled with tar and turpentine, good and merchantable, free from all fraudulent and deceitful mixture of earth, stones, or other such deceitfull matter, who shall set his mark or brand upon all such barrels as he shall upon search find to be good and merchantable, and free from deceit as aforesaid, and for his pains therein shall have two pence per barrel, to be paid to him by the person that shall imploy him. And all barrels of tar or turpentine

exposed to sale or shipped on board any ship or vessel for transportation, not searched and marked as aforesaid, upon proof thereof shall be forfeited, one half thereof or the value to the complainer that shall prosecute his complaint to effect, and the other half to the treasurie of the countie where such tar shall be seized and brought to trial.

An Act concerning Purchasers of Land of the Indians without grant from the General Assembly.

This Assembly being informed that several persons in this colonie have made purchases of land of the Indian natives [3] without any grant || or libertie of purchasing obteined from the General Assembly according as the law directs, and being sensible that such insufficient titles or claims to land may prove of ill consequence to the purchasers and their families: for remedie whereof, and for the quieting and better and orderly settlement of all such persons who have made any such purchases as aforesaid without any fraud or deceit, and whose purchases do not interfere with any grants made by this Assembly, and are not in themselves extravagant and prejudicial to any plantation already settled, or to the settlement of any plantation;

It is ordered and enacted, and declared by this Assembly, That if the said purchasers shall bring or send to the General Assembly in May next a true account of the respective purchases so made by them, there shall not any advantage be taken against them in the law by reason of their so sending to said General Court, but the General Court will be ready and willing to do all that for them for their more orderly settlement which may in justice be done, consonant and agreeable with the ends of the charter. And all such persons who have made any such purchases as aforesaid, and do not bring or send an account thereof to the General Assembly in May next, shall not have any benefit or advantage by this order.

An Order for altering the day appointed by law for the Freemen in the Countie of Newlondon to meet to give in their Proxies for the Nomination of Publick Officers.

Whereas the times appointed by law for holding the countie court in the countie of Newlondon, and for the freemen in the said countie to meet to give in their proxies for the nomination of publick officers, fall out to be both upon the same day, viz. the third Tuesday in September, which is found by experience to be very inconvenient: for remedie thereof,

It is ordered by this Assembly, That for the future, the day for the meeting of the freemen in the said countie to give in

their proxies as aforesaid shall be the second Tuesday in September annually, any former law, usage or custom to the contrary notwithstanding.

An Act for the preventing and punishing of Tipling and Drunkenness.

It is ordered and enacted by this Assembly, That if any person be found drunken so that he be thereby bereaved and disabled in the use of his understanding, appearing in his speech or gesture, he shall forfeit the sum of ten shillings; and if any person or persons shall continue tipling in any publick or private house, after nine of the clock at night, every person so offending shall forfeit the sum of five shillings, and the master or mistress of the familie where such tipling shall be, shall forfeit the sum of fortie shillings. The fines to be to the treasurie of the town where the offence is committed, for the use of the poor therein. And for want of goods whereon to make distress, the offender or offenders to be set in the stocks, there to continue not exceeding three hours, and not less then one hour. All breaches of this law to be heard and determined by any assistant or justice of the peace.

Stocks to be made and maintained in every Town in this Colonie.

It is ordered and enacted by this Assembly, That every town in this colonie shall make and maintain at their own charge a good pair of stocks sufficient to hold such offenders as shall be sentenced thereto, with a lock and key to secure offenders therein; and if any town be without a pair of stocks as aforesaid after the first of March next, the selectmen of such town shall forfeit the sum of ten shillings to the countie treasurie, and so ten shillings for every month they are defective therein, to be heard and determined by any assistant or justice of the peace.

Criminals brought to the Countie Court and condemned there, to have libertie of one Review to the same Court and no further.

It is ordered and enacted by this Assembly and the authoritie thereof, That all criminals who are brought directly to the [4] countie court and condemned there || shall have the libertie of one review to the same court and no further. Provided they give sufficient securitie to prosecute their review to effect, and to abide the judgment of the court therein.

This Assembly grants a rate of four pence upon the pound, for the defraying of the charges of the colonie, to be paid in

wheat at six shillings per bushel, Indian corn at three shillings per bushel, rye at three shillings and six pence per bushel, pork good and well repackt at four pounds per barrel, beef at fortie five shillings per barrel, being good and well repackt; and if any person will pay in money, fifteen pennie weight for six shillings shall be accepted two for three in the payment of rates.

Persons nominated for Election in May next.

Majr. General John Winthrop, Esqr.
Colonl Robert Treat, Esqr.

James Fitch, Esqr,	Richard Cristophers, Esqr,
Daniel Wetherell, Esqr,	Peter Burr, Esqr,
Nathaniel Stanly, Esqr,	John Alling, Esqr,
John Hamlin, Esqr,	John Hains, Esqr,
Nathan Gold, Esqr,	Eleazar Kimberly,
William Pitkin, Esqr,	Capt. Abraham Fowler,
Joseph Curtis, Esqr,	Capt. Samuel Eells,
John Chester, Esqr,	Jeremiah Osburn, Esqr,
Josiah Rossiter, Esqr,	Capt. Mathew Allin.

Lists of Persons and Estates exhibited in this Assembly.

Hartford,	19836: 00: 00:	persons 290.
Windzor,	15258: 00: 00:	persons 300.
Fairfield,	14493: 14: 00:	persons 170.
Newlondon,	10524: 00: 00:	persons 134.
Newhaven,	18943: 15: 00:	persons 276.
Wethersfield,	14381: 19: 00:	persons 281.
Stratford,	12979: 13: 09:	persons 135.
Gilford,	10159: 15: 00:	persons 160.
Branford,	05647: 03: 00:	persons 083.
Farmington,	08153: 19: 00:	persons 128.
Norwich,	08124: 03: 06:	persons 143.
Preston,	03650: 02: 06:	persons 080.
Symsbury,	03744: 01: 00:	persons 073.
West side of Haddum,	02031: 13: 00:	persons 040.
East side of Haddum,	02935: 13: 00:	persons 072.
Woodbury,	03663: 06: 00:	persons 090.
Waterbury,	02165: 10: 00:	persons 055.
Glassenbury,	3237: 10: 00:	persons 078.
Killinsworth,	3391: 04: 03:	persons 063.
Midletown,	8812: 00: 00:	persons 202.
Windham,	2564: 01: 00:	persons 068.
Norwalk,	7266: 13: 07:	persons 110.
Milford,	12300: 18: 01:	persons 171.
Stanford,	7707: 19: 09:	persons 110.

Stonington,	6542: 08: 00:	persons 150.
Groton,	6640: 14: 00:	persons 117.
Greenwich,	4313: 09: 00:	persons 060.
Wallingford,	7203: 00: 00:	persons 120.
Danbury,	2556: 06: 03:	
Lebanon,	4390: 17: 00:	persons 105.
Lyme,	6853: 10: 08:	persons 131.
Saybrook,	7080: 02: 06:	persons 092.
Derby,	2697: 00: 00:	persons 057.

Addition to New Haven list for this year, 1706, £360: 5*s.* 0*d.*

At the General Assembly in May, 1707, added to the sum total of Saybrook list, £623 by estate left out of the list in October: to the sum total of Norwich list (through former miscast) £320.

This Assembly appoints the last Thursday in this present month to be kept as a day of publick and religious thanksgiving throughout this colonie.

The rever[d] and worthie gentlemen intrusted by the hon[bl] corporation in England with the stock that is given to promote the conversion of the natives in this land, having signified their earnest desire that some methods may be religiously pursued for the promoting of that good work in this colonie, and their readiness to do the best they can for the support of the expensive part thereof: this Assembly being very desirous to promote a work so religious and charitable, do recommend it to the rever[d] ministers in this colonie at their countie meetings, to consider what may be the best way and means for carrying on so good a work, and to prepare such proposals as in their judgments may be most conducive to that end, and to present them to this Assembly in May next for their concurrence. Copies hereof to be sent to the ministers in the head towns in each countie, to be communicated to their brethren respectively.

[5] ‖ The Governour and Council appointed in May last are hereby impowered to order the affairs of this colonie, and to deal in all sudden exigencies during the intervales of this court.

This Assembly grants to our hon[rd] Governour one hundred and fortie pounds for his sallerie for this year. And to our hon[rd] Deputy Governour fortie pounds for his sallerie for this year.

This Court, considering the very good services for many years done and performed by the honoured and religious gen-

tleman, Mr. William Jones, now deceased, do order that five pounds be paid out of the publick treasurie towards the charges of his funeral.

A letter to be sent to our Agent in England from this government was drawn up and approved in this Assembly.

Copie of a letter to Mr. Peter Serjeant in Boston, approved in this Assembly.

Honrd S^{r}, Our Agent in England, S^{r} Henerie Ashhurst having drawn a bill of exchange upon our government for two hundred and seventie pounds New-English money, payable to yourself at four months after sight, for our payment whereof to you our honrd Govern^{r} hath given his obligation: these are to certifie you that we do accept of the said bill, and do promise to make payment thereof to you the next spring with what interest shall then be due upon it.

Signed in the name and behalf of the General Assembly.

Eleazar Kimberly, Secry.

An Act of the Governour and Council at the sessions of this Assembly.

It is ordered by the Governour and Councill that the treasurer take all due care to ship for Boston early in the spring so much of the rate now granted as may be sufficient to discharge the bill of exchange of two hundred and seventie pounds drawn on us by our agent, and payable to Mr. Peter Serjeant; and that no debts owing from this government to gentlemen in the countie of Hampshire shall be paid before the abovesaid bill of exchange be discharged; and that if the present rate be not sufficient for payment of said debts in Hampshire countie, that the colonie pay interest for the same.

This Assembly doth desire and impower the worshipfull Richard Cristophers, Esq^{r}, and the Rever^{d} Mr. Timothie Woodbridge, with Mr. Nehemiah Smith and Capt. Richard Bushnell, as a committee for and in behalfe of this government, as soon as with convenience they can, to treat with Owaneco concerning the differences arising upon his claims to the lands within the bounds of Colchester and Newlondon, who have hereby full power finally to agree with him concerning the premises, and make return of their negotiations in that affair to our honoured Governour as soon as accomplished.

Whereas there was one hundred and fiftie bushels of the countries barley at Saybrook put to John Malbie to be malted, (because none of the countries creditors would take it,) and said malt having received some damage, this Court appoint

Mr. Nathaniel Lynde, Capt. William Ely and Mr. Daniel Taylor, or any two of them, to enquire into that matter, and fully to agree with said Malbie about it, that if the damage came through any negligence or defect in said Malbie he make good the same, otherwise that the colonie bear it; and said gentlemen are desired to dispose thereof toward the payment of the colonie debts.

[6] This Assembly doth order and impower the countie court in the countie of Newhaven to levie a rate of half a farthing upon the pound of all the rateable estate in the said countie, to be levied upon the inhabitants, according to their estates, and in proportion thereunto, which is to be improved for the payment of a debt due to the estate of the deceased George Pardee, from the said countie of Newhaven, on balance of the said countie accounts, as may more fully appear on records of the said countie.

Capt. John Prentts of Newlondon offering to this court, that if they will appoint men to inspect his accounts he will rectifie all the mistakes and overchargings they find therein: This Assembly doth appoint Mr. Richard Cristophers and Mr. John Plumb of Newlondon to inspect the said John Prentts' accounts, and make return of what they find to the next audit of the countries accounts.

This Assembly grants to the souldiers in Stonington that live above one quarter of a mile to the northward of the countrie road that goeth from the head of Mistick River to Paucatuck River, libertie to be a distinct company of themselves, and to nominate such officers to the General Court in May next, as may be according to their number of men, and the law in such case made and provided.

This Assembly grants to the inhabitants that live on the west side of Newhaven bounds below the road that goeth from Newhaven to Milford libertie to be a distinct foot company or trainband. And Samuel Smith is appointed to be Lieutenant of the said company, and Samuel Burwell to be their Ensign, and commissioned accordingly.

This Assembly appoints John Russell of Newhaven to be Lieutenant of the trainband on the east side of the Ferry river in the said town, and Daniel Barnes to be their Ensign, and to be commissioned accordingly.

Serjt Thomas Woorster is by this Assembly appointed to be Lieutenant of the trainband in the town of Derby and commissioned accordingly.

Upon the report of the committee appointed by this Assembly in May last to indevour an amicable compromise of the differences between the hon^bl the Govern^r and Major Fitch, with other persons, concerning the lands at Quinebaug: for the issuing of those differences, the following articles are consented to and concluded between the hon^bl the Govern^r and the Council and Representatives in this General Court assembled, viz.—His Honour will resign to this corporation all his rights to those lands at Quinebaug that are included in the deeds given by Aguntus and Hiems to his honoured father (excluding only what he hath already obliged himself to release to the town of Plainfield, with his reserves within that township,) and also that his honour will indevour to obtein his brother Maj^r General Wait Winthrop's concurrence therewith, the said resignation to be compleated by a lawfull instrument under their hands and seals at the sessions of this Assembly in May next; his honour expecting from this government their confirmation of two suitable farms, the one to himself, the other to his said brother, the one on the north of the bounds ofPlainfield, the other at the north of the bounds of Canterbury. And this corporation will give unto his said hon^r a quitclaim of all their right of purchase, and whatsoever title this corporation hath in the two parcels of land proposed by his hon^r on the north of the bounds of the forementioned towns, each parcel or tract to contein the quantitie of one thousand acres, the instruments on both parts to be interchangably delivered at the sessions of this Assembly in May next.

[7] Upon the request of the proprietors and inhabitants of the town of Plainfield, this Assembly grants that they shall have a Patent for confirmation of the lands in their township, to them, their heirs and assigns forever, under the seal of the colonie, signed by the hon^bl the Governour in the name of this Assembly, and by the Secretary by his hon^rs command.

Colon^ll Robert Treat with other person[s] having purchased a tract of land called Wiantonoq;, which tract of land is made a town by letters patents from the Governour and Company, dated October the 22d, 1703, and named New Milford, but not yet annexed to any countie: This Assembly sees cause to annex the same to the countie of Newhaven.

In answer to the desire of the inhabitants of Stonington for settling their town bounds, this court desires and appoints Mr. Nehemiah Smith and Capt. James Morgan to go to the eastern part of that town, and to see how their difficultie is, and

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to make report to this court in May next, in order to a full settlement of their bounds, and that to be done at the charge of said Stonington.

Whereas the General Assembly holden at Hartford in May last, upon the motion of Mr. Timothie Mather of the town of Lyme, did grant to him libertie to keep a boat and to transport travelers over the river of Connecticut at the said town: This Assembly upon further consideration, for weighty reasons laid before them, do nullifie and revoke the said grant.

Upon the petition of Hannah De Wolfe, widow and relict of Stephen De Wolfe, late of the town of Lyme, dec^{d}, and administratrix to his estate, this Court grants to the said administratrix libertie to confirm to Martha Blague, widow, relict and sole executrix of her late husband, Joseph Blague, of the town of Saybrook, deceased, twentie and four acres of land belonging to the houselot of the said Stephen De Wolfe, for payment of a debt due from the estate of the said Stephen De Wolfe to the estate of the said Joseph Blague.

This Assembly grants unto Richard Hubbel, eldest son of Lieu^{t} Hubbel, late of Stratfield, deceased, libertie of purchasing an hundred acres of land not prejudicial to former grants, for the sake of the good services of his father.

Whereas the General Assembly holden at Hartford May 8th, 1703, did grant to Mr. Samuel Wakeman two hundred acres of land, to be taken up where it might not prejudice any former grants, and the General Assembly holden at Hartford May the 11th, 1671, did grant to Richard Osborn of Fairfield, eighty acres of land for his good service in the Pequot war, to be taken up without prejudice to any former grant: This Assembly doth appoint Capt. Nathan Gold and Mr. Peter Burr to lay out the abovesaid grants of land accordingly.

Thomas Sperry of the town of Newhaven, administrator of the estate of Samuel Fernes, late of the said town, deceased, informing this court that Samuel Fernes, son of the said Sam^{ll} Fernes, dec^{d}, is and ever hath been a person not capable of understanding and mind for the managing of business as other men, and therefore chargeable to him under whose care he is by lawful order, and that there is some small estate in land set apart for his maintenance, and petitioning this Assembly that he may have libertie to dispose and make sale thereof for that end: This Assembly doth grant to the said Thomas Sperrye and the major part of the select men in the said town of Newhaven, power to sell the said land, the effects or produce thereof to be improved for the comfort and

relief of the said impotent person for whose benefit it was set apart.

Joseph Kirby petitioning to this court that he might have the libertie of an appeal from the judgment of the court of [8] probates holden at || Hartford the seventh of November last, whereby distribution of the said Kirbyes father's estate was made: This Court grants the said Kirbye libertie of appeal to the next court of assistants, giving such securitie as the law in such case requires. Joseph Kirbye acknowledgeth himself bound in a recognizance of ten pounds to the publick treasury of this colonie to prosecute his appeal to effect and answer all damages if he make not his plea good.

Cost allowed to Alexander Rollo for his attendance at this court upon the citation of Joseph Kirbye is seventeen shillings and nine pence.

Cost allowed to the honrd Deputy Govern^{r} and Mr. Thomas Clark for attendance at this court upon the citation of Mr. John Reed, Richard Blackleech and L^{t} Agar Tomlinson and Daniel Shilton of Stratford, is one pound four shillings for two mens attendance six days at this court.

Voted in this Assembly, that the prisoner Abigail Thomson, condemned for murther and now in durance in the gaol at Hartford, be reprieved till the General Assembly in May next.

This Court considering that troopers are at greater charge then foot soldiers, and that they are appointed for the most sudden exigencies, and that a considerable part of their accoutrements are not requisite when they serve as foot soldiers, do order that every trooper accoutred according to law shall have these privileges, viz.—that their trooping horses be freed from rates and impresses for the service of foot soldiers, that the troopers be not compellable to ly in garrisons, that troopers be not lyable to serve under the command of the officers of foot companies.

A bill of cost of the select men of Newhaven versus Thomas Guttsell, Daniel Collins, Henerie Luddington, John Howe and David Austin, petitioners, allowed for five days attendance of four men two pounds eight shillings in pay, and for copies of record, cash six shillings.

This Assembly allows to the Speaker of the Lower House for his service this court thirtie shillings in pay, and to the Clerk of the Lower House, Mr. Jonath. Lawe, twentie shillings in pay. The Speaker, Capt. Sam^{ll} Eells, hath already received his fees in money.

Allowed to Capt. John Prentts, sheriff of Newlondon countie, four shillings p^{r} day for attendance upon this court eight days.

Cost allowed to John Parker, as atturney for the Queen in the case of Solomon Andrews and Joseph Mallery, is twentie four shillings cash, to be paid out of the next countrie rate, to be collected again of the said Andrews and Mallery for the countries use.

Whereas the General Assembly holden at Hartford October 13th, 1687, did give and grant to Mr. Nathaniel Stanly of Hartford aforesaid, two hundred acres of land for a farm, and the said General Assembly holden at Hartford May 13th, 1703, did order and appoint Mr. Caleb Stanly, surveyor of lands, to survey and lay out for the said Nathaniel Stanly the said 200 acres of land granted him as aforesaid, and the said Caleb Stanly, surveyor, hath exhibited in this court a plot of the said 200 acres of land by him surveyed and laid out for the said Nathan^{ll} Stanly in one intire piece, lying and being on the east side of Quinabaug river, and distant from the town of Woodstock about four miles, and adjoining to farms now belonging to Mr. Samuel Andrew of Milford, Joseph Cadey and Peter Aspinall: Now therefore, this Court do allow, approve and confirm the said survey of the said 200 acres of land for the said Nathan^{ll} Stanly, provided it doth not prejudice any former grant of this court; and do order that the said Nathaniel Stanly, his heirs or assigns, shall have a patent for the same [9] 200 || acres of land, qualified and executed according to the law of this colonie, for full confirmation of the same to him and them forever.

Whereas the General Assembly holden at Hartford October the 13th, 1681, did give and grant to Mr. Isaac Foster of the said town, (since dec^{d},) 200 acres of land for a farm, and the said General Assembly holden May 13th, 1703, did order and appoint Caleb Stanly, surveyor of lands, to survey and lay out to the heirs of the said Foster the said 200 acres of land granted him as aforesaid, and the said Caleb Stanly hath now exhibited in this court a plat of the said 200 acres of land by him surveyed and laid out for Mr. Thomas Buckingham of Hartford, and Ann his wife, daughter and sole heiress of the said Isaac Foster, lying and being on the east side of Quinabaug river, in one intire piece, and distant from the town of Woodstock about six miles, and adjoyning at the northeast corner thereof to a farm laid out for John Allin, and elsewhere is bounded with the colonie land: Now therefore, this Court do allow, approve and confirm the said survey of the said 200 acres of

land for the said Thomas Buckingham, provided it doth not prejudice any former grant of this court; and do order that the said Thomas Buckingham, his heirs or assigns, shall have a patent for the same 200 acres land, qualified and executed according to the law of this colonie, for full confirmation of the same to him and them forever.

Whereas the General Assembly holden at Hartford October the 13th, 1687, did give to Giles Hamlin of Midltowne, Esq^{r}, (since dec^{d},) 300 acres of land for a farm, and the heirs of the said Giles Hamlin have sold the said gift and grant to John Allin, dwelling on a farm nigh the town of Woodstock, and this Assembly in May last past did order and appoint Mr. Caleb Stanly, surveyor of lands, to survey and lay out the said 300 acres of land for the said Allin, at or near a place called Pattaquottuck, distant about six or seven miles from Woodstock aforesaid, (a place before pitched upon by the said Allin,) and to make return thereof to this court at this time, and the said Caleb Stanly hath now exhibited in this court a plat of the said 300 acres of land by him surveyed and laid out for the said John Allin at the place aforesaid, lying in one intire piece and adjoyning at one corner thereof to a farm laid out for Mr. Thomas Buckingham, and on every side else with the colonies land: Now therefore, this Court do allow, approve and confirm the said survey of the said 300 acres of land for the said John Allin, provided it doth not prejudice any former grant of this court; and do order that the said John Allin, his heirs or assigns, shall have a patent for the same 300 acres of land, qualified and executed according to the law of this colonie, for full confirmation of the same to him and them forever.

At a Council holden at Hartford, February the 6th, 170$\frac{6}{7}$, and continued to the end of the 7th day of the month.

Present,

The Hon^{bl} John Winthrop, Esq^{r}, Governour.

Assistants present,

Capt. Daniel Wetherell, Nathaniel Stanly, John Hamlin, William Pitkin, Esq^{rs}, Maj^{r} John Chester, Josiah Rossiter, Peter Burr, John Alling. Esq^{rs},

Military Commission Officers present,

Major William Whiting, Capt. Aaron Cook,
Major Ebenezer Johnson, Capt. Cyprian Nichols,
Capt. Mathew Allin.

[10] A letter from Deputy Governour Treat to the Governour's honour, of the 1st of January last, was read in Council, and also a letter from Colonel Schuyler signifying that he was informed that the French and enemy Indians were preparing to make a descent upon the frontier towns of Newengland: also a letter from Capt. John Minor and Mr. John Sherman to the Deputy Governour, signifying their suspicion that the Pohtatuck and Owiantonuck Indians were invited to joyn with the enemy: as also the examination of the Owiantonuck and Pohtatuck Indians before his honour our Deputy Governour and other gentlemen, with divers other writings relating to that matter, with the opinion of our Deputy Governour what might be needful to be done to prevent the defection of those Indians, and to secure their fidelitie, and for the preservation of the small frontier towns.

Resolved by the Hon^{bl} the Governour and Council, in order to prevent the defection of the Pohtatuck and Owiantonuck Indians to the common enemy and to secure their fidelitie, that order be sent to Capt. John Minor and Mr. John Sherman of Woodbury with all convenient speed to remove the said Indians down to Fairfield or Stratford, or both as shall be judged most convenient. But if by reason of sickness prevailing among them they cannot at present be removed, then to take two of their principal persons and convey them to Fairfield, there to be kept safely as hostages to secure the fidelitie of those that remain at those inland places.

Resolved, for the preservation of the frontier towns of Symsbury, Waterbury, Woodbury and Danbury, that order be sent to the inhabitants of those towns to provide with all possible speed a sufficient number of well fortified houses for the saftie of themselves and families in their respective towns. The houses for fortification to be appointed by the vote of the major part of the inhabitants of each respective town assembled, if they can agree; in case of their disagreement to be appointed by the commission officers of the town.

Resolved, that the inhabitants of Waterbury fortifie three houses sufficiently for their saftie; and for their incouragement to go forward with the work of fortification, the Governour and Council (in consideration of the great losses they have sustained by extraordinary floods,) will improve their interest in the General Assembly at the next sessions that the charges

of their fortifications shall be allowed them out of their countrie rates.

Resolved, that the inhabitants of Woodbury, Waterbury and Danbury, do every of them maintain a good scout out every day from their respective towns, of two faithfull and trusty men to observe the motions of the enemy. The scouts in Woodbury and Waterbury to be appointed and directed by the commission officers in each town. The scouts in Symsbury to be appointed and directed by the major of the countie. The charges of the several scouts to be borne by the countrie as by law is provided.

Resolved, that a letter be drawn up in answer to the letters received from Colonel Schuyler and the gentlemen at Albanie. A letter drawn up in answer to those letters was read and approved in Council.

Ordered by the Governour and Council, that Serj^{t} Jonath. Williams, Gershom Sexton, Abraham Cornwell, Timothie Phelps, and Charles Coots, that went up to the Great Falls in October last upon publick service, shall be allowed eight shillings apiece more then what is allowed them in the debenture given them by Capt. Mathew Allin. And that Jonath. Arnold who went up to Cooss upon the said service shall be allowed out of the publick treasurie fiftie shillings more then what is allowed him in his former debenture for his service in October last. And that Major Ebenezer Johnson, for the travel of himself and his son to Albanie upon publick service and for their expences, shall be allowed out of the colonie treasurie six pounds in current countrie pay.

At a General Assembly holden at Hartford April the 2d, 1707, by special order of the Governour.

Present at this Assembly,

The Hon^{bl} Major General John Winthrop, Esq^{r}, Governour.
Colonel Robert Treat, Esq^{r}, Deputy Governour.

Assistants present,

Nathaniel Stanly, John Hamlin, Nathan Gold, William Pitkin, Esq^{rs},
Joseph Curtis, John Chester, Josiah Rossiter, John Alling, Esq^{rs},

[11] *Deputies present at this Assembly are*,

Joseph Wadsworth, Cyprian Nicholls, for Hartford.
Capt. Mathew Allin, Samuel Woolcutt, for Windzor.

James Treat, John Curtis, for Wethersfield.
Thomas Talmage, Abraham Bradly, for Newhaven.
John Levingstone, for New London.
Samuel Eels, for Milford.
Nathaniel White, Thomas Ward, for Midltown.
Richard Bushnel, for Norwich.
Jonath. Sellick, for Stanford.
John Crane, for Kilinsworth.
Abraham Fowler, for Gilford.
Nehemiah Smith, for Groton.
Daniel Brewster, for Preston.
Thomas Jud, for Waterbury.
Samuel Hale, Thomas Treat, for Glassenbury.
Joshua Riplye, Jonath. Crane, for Windham.
John Chapman, James Wells, for Haddum.
James Judson, for Stratford.
William Malbie, for Branford.
Ebenezer Johnson, for Derby.
Thomas Yale, for Wallingford.
John Higlye, James Cornish, for Symsbury.
Ephraim Minor, Henerie Stephens, for Stonington.
John Hooker,* Thomas Hart, for Farmington.
John Sprage, William Clarke, for Lebanon.
William Ely, for Lime.
William Parker, Robert Chapman, for Saybrook.
Joseph Platt, for Norwalke.

The Governour (after the opening of the Court,) informed the Assembly that the occasion of his calling them together at this time was a letter that he had received from Governour Dudly, wherein his Excellency signified to him that upon the earnest desire of the General Assembly of his Province he determined to raise a thousand men for an expedition against the French and Indian enemies in L'Accadie and Nova Scotia, desiring that forces might be sent from this Colonie to joyn with them.

His Excellencies letter was read in Council, with other letters relating to that expedition.

The Court was adjourned to the 3d day of the month at eight of the clock in the morning.

April 3d. The Assembly being convened, a committee was appointed to consider and prepare an answer to Governour Dudlies letter. The persons appointed are Capt. Nathan Gold, William Pitkin, and Major John Chester for the Upper House.

* Clerk

A bill was drawn up, presented and approved by both houses, in answer to the said letter, in the words following, viz:—

This Assembly having considered the motion of his Excellency Governour Dudly to our Governour, for joyning the forces of this government in his expedition against L'Accadie and Nova Scotia, are of opinion that it is not their duty under their present circumstances to comply with the said motion; and therefore for divers reasons do decline the same. (1st,) They have not been of council in, nor had opportunitie of consent unto the said expedition. (2ly,) They do not understand that the neighbouring governments, who are equally obliged, are concerned therein. (3,) Which is very considerable, the vast expence this government hath been out in the defence of the countie of Hampshire and their own frontiers, doth very much incapacitate them, and what may be further expected of like nature doth altogether discourage from joyning in such an enterprize.

This Assembly grants to Elizabeth Bucklin of Hartford, widow, six pounds for her time spent in tending of her son who was taken sick in the countries service, to be paid out of the countrie treasurie.

Upon the complaint of John Murrin of Milford, tanner, who complains that he cannot vend his leather, which is like to be much to his damage if not considered by this Court: this Assembly therefore grants to the said Murren a libertie of transporting out of the colonie leather thus lying upon his hands. This libertie to continue till the last of May next.

[12] This Assembly grants to Ichabod Wells, sheriff, a sallerie of four pounds for his service the last year, and the bill for six pounds which he formerly received of Mr. Stanly and Mr. Pitkin is to be returned.

This Assembly grants to Ebenezer Gilbert of Hartford, six shillings for his attendance upon the Lower House two days.

At a General Assembly holden at Hartford, May the 8th, 1707, and continued by several adjournments to the 22d day of the same month.

Major General John Winthrop, Esq^{r}, was chosen Governour. Colonel Robert Treat, Deputy Governour.

The persons undernamed were chosen to be Assistants for the year ensuing,

Major James Fitch, Esq^{r}, Capt. Daniel Wetherel, Esq^{r}.

Nathaniel Stanly, Esq^{r},
Capt. John Hamlin, Esq^{r},
Capt. Nathan Gold, Esq^{r},
William Pitkin, Esq^{r},
Joseph Curtis, Esq^{r},
Major John Chester, Esq^{r},
Josiah Rossiter, Esq^{r},
Richard Cristophers, Esq^{r},
Peter Burr, Esq^{r},
John Alling, Esq^{r}.

Present in this Assembly and sworn,

Major General John Winthrop, Esq^{r}, Governour.
Colonel Robert Treat, Esq^{r}, Deputy Governour.

Assistants present,

Major James Fitch, Esq^{r},
Capt. Daniel Wetherell, Esq^{r},
Nathaniel Stanly, Esq^{r},
Capt. John Hamlin, Esq^{r},
Capt. Nathan Gold, Esq^{r},
William Pitkin, Esq^{r},
Joseph Curtis, Esq^{r},
Major John Chester, Esq^{r},
Josiah Rossiter, Esq^{r},
Peter Burr, Esq^{r},
John Alling, Esq^{r}.

Deputies present are as follows:

Capt. Cyprian Nichols, Capt. Joseph Wadsworth, for Hartford.
Mr. Abraham Bradly, Mr. William Thomson, for Newhaven.
Lt. John Hough, for Newlondon.
Lt. Joseph Wakeman, Mr. Jonath. Sturge, for Fairfield.
Capt. Richard Bushnell, Lt. Solomon Tracye, for Norwich.
Mr. John Eliott, Capt. Samuel Woolcutt, for Windzor.
Mr. Benjamin Curtis, Lt. John Hawly, for Stratford.
Capt. Jonath. Sellick, Mr. Elisha Holly, for Stanford.
Capt. James Averie, Capt. James Morgan, for Groton.
Mr. William Parker, Mr. Nathaniel Chapman, for Saybrook.
Mr. William Malbye, Mr. William Barker, for Branford.
Mr. John Crane, Mr. Robert Lane, for Kilinsworth.
Mr. John Sherman, Capt. John Minor,* for Woodbury.
Capt. Abraham Fowler, Mr. James Hooker, for Gilford.
Capt. Samuel Wells, Lieut. Samuel Hale, for Glassenbury.
Capt. Robert Wells, Mr. John Curtis, for Wethersfield.
Mr. Thomas Betts, Mr. Samuel Hanford, for Norwalke.
Mr. Thomas Jud, for Norwalk.†
Mr. Joseph Knap, for Greenwich.
Lt. John Hart, Mr. John Wadsworth, for Farmington.
Ens. Thomas Taylor, Mr. Josiah Starr, for Danbury.
Capt. Thomas Yale, Lt. John Merriman, for Wallingford.
Ens. Joseph Peck, Lt. Joseph Treat, for Milford.
Mr. William Holton, Mr. Joseph Bradford, for Lebanon.
Capt. John Higly, Mr. Nathaniel Holcomb, for Symsbury.
Capt. John Parke, Ens. William Billing, for Preston.

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* Clerk. † An error in recording; read Waterbury.

Capt. William Eely, Mr. Mathew Griswold, for Lyme.
Capt. Nathaniel White, Lt. Thomas Ward, for Midltown.
[13] Major Ebenezer Johnson, for Derby.
Mr. Joshua Riply, Mr. Joseph Caree, for Windham.
Mr. Nehemiah Palmer, Mr. Henerie Stephens, for Stonington.
Lt. James Wells and Thomas Gates, for Haddum.

Judges and Justices appointed by this Assembly.

William Pitkin, Esq^{r}, is appointed judge of the countie court and court of probate in the countie of Hartford.

Justices appointed for the countie of Hartford.

Of the peace: John Hains, John Eliott, Joseph Tallcott, Mathew Allin, John More, John Hooker, Thomas Hart, John Higly, Robert Wells, James Treat, Nathaniel White, John Chapman, Eleazar Kimberly, Joshua Riplye, Thomas Jud, Esq^{rs}; Michael Tainter to be justice of the peace in the town of Colchester.

The above named John Hains, John Eliott, Joseph Tallcott, Robert Wells, and Mathew Allin, are appointed to be justices of the peace and quorum in the said countie.

John Alling Esq^{r} is appointed judge of the countie court and court of probates in the countie of Newhaven.

Justices of the peace appointed in the said countie of Newhaven.

William Malbye, Jeremiah Osborn, Thomas Clarke, Ebenezer Johnson, Nathaniel Andrews, Samuel Eels, Abraham Fowler, Thomas Yale, John Hall, Esq^{rs}.

The above named William Malbie, Thomas Clarke, Ebenezer Johnson, Samuel Eels, and Abraham Fowler, are appointed to be justices of the peace and quorum in the same countie. And also the above named Nathan Andrews.

Nathan Gold, Esq^{r}, is by this Assembly appointed judge of the countie court and court of probates in the countie of Fairfield.

Justices of the peace appointed for the countie of Fairfield.

John Wakeman, Mathew Sherwood, James Judson, James Olmstid, Jonath. Sellick, John Minor, James Bebee, John Sherman, Samuel Peck, Ebenezer Meed, Samuel Hoyt.

The abovenamed John Wakeman, Mathew Sherwood, James Judson, James Olmstid, Jonath. Sellick, and John Minor, are appointed by this Assembly to be justices of the peace and quorum in the said countie.

Daniel Wetherell, Esq^{r}, is by this Assembly appointed judge of the countie court and court of probates in the countie of Newlondon.

William Eely, Nathaniel Lynde, Daniel Tayler, Nehemiah Palmer, Nehemiah Smith, and Richard Bushnell, James Morgan, Samuel Buell, Ephraim Minor, Jonath. Tracye and Thomas Bowles, Esq^{rs}, are by this Assembly appointed justices of the peace in the countie of Newlondon.

The abovenamed William Eely, Nathaniel Lynde, Daniel Tayler, Nehemiah Palmer, Nehemiah Smith, and Richard Bushnell, are appointed to be justices of the peace and quorum in the said countie.

Acts and Laws passed at this Assembly.

An Act for regulating the Signing of Bills of Cost allowed in Civil Actions.

There being no provision in the law for the direction of courts in allowing bills of cost when judgment is recovered in civill actions:

It is now ordered and enacted by this Assembly, That for the future there shall be allowed to all persons that shall recover judgment in any court of record, two shillings and six pence per day for attendance upon the court, and post wages for their travel, and what is necessary for copies, and two shillings six pence per day for witnesses.

An Act for explanation of the law made May 13th, 1703, concerning Listers.

A question arising whether the law made May the 13th, 1703, concerning listers, be still in force: This Assembly answers the said question in the affirmative, and by their vote do declare, that since there is in the said law a sufficient and easy remedie for all persons overcharged in their lists, the [14] || listers shall not be prosecuted at the common law for any error or mistake by them committed.

An Act asserting the Power of Constables and Collectors of Rates to continue (after their year is expired,) for compleating that work.

A question being propounded to this Assembly, whether the constables in the several towns in this colonie have full power to collect and gather the countrie dues at any time after their respective years be up: It is answered and declared by this Assembly in the affirmative, that they have full power, and also that all collectors of rates have the same libertie and power.

An Act in addition to the law in print, title Inhabitants, whom to be admitted.

In addition to the printed law, title *Inhabitants whom to be admitted*, It is ordered, enacted and declared by this Assem-

bly, that if any transient person contrary to the intent of the second paragraph in the said law, prohibiting any transient person to make his or her abode in any township in this colonie without the approbation of the authoritie and selectmen of such town, shall make his or their abode in any town or plantation within this government, every such person shall forfeit and pay to the use of the poor of such town or plantation, twentie shillings per week for every week that he or they shall continue in such town or plantation after warning given to him or them by order of the selectmen of said town or plantation to depart; any one assistant or justice of the peace to hear and determine the same. And when it shall so happen that any person who shall be convicted for breach of this act hath not estate to satisfie the fine, such person shall be whipt on the naked body, not exceeding ten stripes, unless he or they shall depart the town within ten days next after sentence given, and reside no more in said town without leave of the select men.

An Act concerning Souldiers Wages and Provisions that are in the Fort in Newlondon, or that shall be.

It is ordered and enacted by this Assembly, That all bills for souldiers wages that are or shall be in the fort at Newlondon, and also for all charges for victualls and other things, shall be signed by the authoritie there, and by no other person.

The Governours Council appointed for the intervale of the General Assemblies.

It is voted, consented to and concluded by this Assembly, That the Council assigned to assist the Governour, or in his absence the Deputy Governour, in the intervale of the Assembly shall consist of two of the assistants at the least, and four able, judicious freemen, such as the Governour, or in his absence the Deputy Governour, shall call to council; who shall have power in the intervale of the General Assembly to manage the affairs of this colonie according to charter, they not to raise men to send out of the colonie, unless in case of exigencye, nor to dispose of money.

Auditors of the Colonie Accounts appointed.

This Assembly doth appoint Capt. Cyprian Nichols, Capt. Jonathan Sellick, Mr. Richard Cristophers, Mr. John Alling, and Mr. William Malbie, to be auditors of the colonie accounts.

The Treasurers Sallerie stated.

This Assembly doth allow to the treasurer for his sallerie thirty five pounds, and thirtie pounds for riding the rounds to make up accounts with the constables.

This Assembly allows to Mr. Ichabod Wells, colonie sheriff, fortie shillings as an addition to the four pounds formerly granted to him.

This Assembly allows to Thomas Ensign, constable of Hartford, three shillings and six pence per day in pay, for nine days attendance upon the Lower House. Total is 01*l.* 11*s.* 06*d.*

[15] It is ordered by the Governour and Council, that the gentlemen belonging to the countie of Hampshire, viz. Colonel Patridge, Mr. Porter, and Mr. Dwight, shall be paid the sums due to them from this government out of the present countrie rate, if there be money to discharge those debts; and if not, that the treasurer pay the said debts out of the next rate raised in this colonie.

An Order concerning the Trainbands in Stonington, upon several proposals made to this Assembly and matters presented to them by Capt. Nathaniel Chesebrough, viz:

That by reason of a misrepresentation of several matters and things, the said Assembly in October last at Newhaven did order a division to be made of the trainband or company of souldiers in Stonington; that the said order being put in execution, (the said Assembly not then fully understanding the case,) may be of ill consequence, and render those affairs unpeaceable and unquiet in that town, as the said Capt. Chesebrough is now ready to make appear: Wherefore, and on consideration of the premises, the said Capt. Chesebrough doth hereby humbly propose to this hon^bl^ Assembly, and request that the said order may be repealed and made wholly void, and that now the case may be again heard and duly considered, and that now an order may be made for dividing the said trainband into two companies, so always as that a full captains company may by the said division be left in that part of the said town that is southward next the sea, under command of the present commission officers there; and also that the hon^bl^ the Governour, or some other suitable person or persons, may by this Assembly be appointed and impowered to make the said division of the said company accordingly, and also to call out the souldiers of the north company and lead them to a choice of officers in a suitable and regular manner.

The above mentioned proposals of Capt. Chesebrough presented to this Assembly for the settlement of the militia in Stonington are approved; and the honourable our Governour, with such gentlemen as his honour shall make choice of, is desired by this Assembly to order the division of the militia in the said town accordingly, and to order the souldiers of the

north company to be called forth to the choice of their officers in a regular manner, if they desire a new choice.

Military officers appointed by this Assembly in several towns.

Increase Holly is by this Assembly appointed to be Lieutenant of the trainband in Stanford, and John Knap to be their Ensign.

Joseph Hulls is by this Assembly appointed Ensign of the trainband in Derby.

Ensign Thomas Williams is by this Assembly appointed to be Lieutenant of the trainband in Plainfield, and Serjeant Timothie Pierce to be their Ensign.

John Russell is by this Assembly appointed to be Lieutenant of the trainband in the village on the east side of Newhaven, and Daniel Barnes to be their Ensign.

Sam[ll] Gilbert is by this Assembly appointed to be Captain of the trainband in Colchester, Samuel Lomis to be their Lieutenant, and Israel Wiat to be their Ensign.

William Johnson is by this Assembly appointed to be Ensign of the trainband in Canterbury.

All the abovenamed officers are commissioned to their respective offices by order of this Assembly.

Libertie is by this Assembly granted to the inhabitants on the eastern part of the town of Greenwich to imbody themselves into church estate with the approbation of neighbour churches.

This Assembly considering the petition of the East Village of Newhaven, do see cause to order that they shall be a village [16] distinct from || the township of Newhaven, and invested and privileged with all immunities and privileges that are proper and necessary for a village for the upholding of the publick worship of God, as also their own civil concerns; and in order thereunto, do grant them libertie of all such officers as are proper and necessary for a town, and to be chosen by themselves in order and form as allowed by law for each or any town. And that all such officers so chosen as aforesaid, and sworn as the law directs, shall be inabled with power and authoritie as fully and effectually for their limits or bounds, as is already granted them as any such officers of any town whatsoever. As also the said village have libertie to have a school amongst themselves with the privilege of the fortie shillings upon the thousand pound estate as every town hath by law; and also shall free their own village charge, and maintain their own poor, as all towns are obliged by law to do; and be fully freed from paying any taxes to the town of Newhaven; and shall be called by the name of Easthaven.

In answer to the petition of the selectmen of the town of Durham, it is ordered by this Assembly, that a committee be appointed to go down to the places and viewing the lands there to indevour an accommodation of the differences between the proprietors of the lands at Cockinchaug and the inhabitants of Kilinsworth, or such as shall represent them, and to state and fix a dividing line between the said proprietors and the said inhabitants. But if they cannot reconcile the said parties and fix their boundaries, then to consider what dividing line between them may be most just and equal, and where the south end of Cockinchaug swamp is, and to present their opinion thereof to the General Assembly in October next, together with their proceedings in the premises, that by order of the Assembly the bounds of each proprietie may be fixt, and future contests concerning them be determined. The committee appointed for this service is Major John Chester, Mr. John Allin, Capt. Thomas Yale, (at their own charge.)

The Petition of the Committee for Hebron.

To the Honourable the General Assembly now convened at Hartford, May 8, 1707.

May it please your honours,

We your honours humble suppliants having had by the roll of Providence, a considerable tract of land freely and voluntarily bestowed upon us, by Joshua, sachim, son of Vncas, sachim, by his last will and testament which was proved in the countie court at Newlondon, and approved by a superiour court of record before your honours at Hartford, and for further confirmation of which, your honours were pleased to grant unto us the legatees of the said Joshua, sachim, by his last will and testament, a patent for the said tract, as by record will appear; and we having been at considerable charge to view those lands, and to lay them out in allotments in order to a plantation, do only now wait for and crave your honours leave and libertie to have it established and recorded a township, and by the name of Hebron to be confirmed upon it, and such incouragements from your honours as to promote the design in carrying on things civil and sacred, for the honour of God, and for the good and incouragement of your humble servants.

John Pratt,
Robt Chapman,
John Clarke,
Stephen Post.

} As a committee appointed by the legatees and proprietrs.

This committee having presented their abovementioned petition to this General Assembly, it was by the said Assembly considered and granted.

[17] There being an error in the late patent granted to the town of Plainfield (through a misunderstanding of the exact bounds of the said town,) whereby some of the lands granted to the town of Canterbury are included in the patent to the proprietors of Plainfield, and this Assembly being informed of the said error by divers persons inhabitants of the town of Canterbury, complaining thereof: to prevent any trouble or damage that may happen to the said town of Canterbury, or to any other persons thereby, upon consideration of the premises do declare the said patent to be void, and order a new patent to be granted according to usual form, if desired. Cost allowed to Canterbury cont^{r} Plainfield is 1*l.* 1*s.* cash, and 2*l.* 4*s.* 7*d.* pay.*

The honourable the Governour and Council do recommend to the serious consideration of the honourable House of Deputies, that after serious reflections upon the return of the committee appointed to agree the differences arising from Owanecoes claims to the lands in Colchester and New London, and long and solemn debates by committees and in Council, they cannot see their way clear to comply with what hath been presented and proposed in that behalf, and are of opinion that it is more safe to leave that matter to some other opportunitie, (hoping that they may receive some further light therein,) then by a hasty proceeding therein in the dark, to hazard the precipitation of her Majesties subjects in this government, (whose peace and quiet they are under the most solemn obligations to preserve,) into great and perplexing vexations.

Upon the petition of Benjamin Janes, late of Northampton, now resident in Wethersfield, complaining of his great sufferings by the French and Indian enemies who rifled his house, killed four of his children and scalpt his wife, who long hath been and still is under cure, and himself so impoverisht that he is unable to satisfie the surgeons, in whose hands she hath been and is like long to be, for their cost and pains therein: The Governour and Council considering his case and judging him to be an object of charitie, order that he shall have a brief craving the charitie of the good people in the towns of Branford, Gilford, Kilinsworth, and Saybrook, for his relief.

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* *In the margin.* May, 1707. Execution is issued forth against the selectmen of Plainfield for cost allowed to Canterbury, which is cash 1*l.* 1*s.* 0*d.* and 2. 4. 7. pay.

Sam[l] Carter, of the town of Dearfield formerly, now of Norwalke, having suffered great loss by the French and Indian enemie making a descent upon said town of Dearfield, who rifled his house, destroyed his cattle, killed his wife and three of his children, carrying four of them into captivitie, whereof one was redeemed by paying twentie four pounds borrowed money: The Governour and Council, upon his application and complaint craving relief, judging his case to call for charitie, do order that he shall have a brief craving the charitie of the good people in the towns of Newhaven and Milford, and also in the several towns in the countie of Fairfield.

Upon the petition of Dugall Makenzie, this Assembly grants him libertie to prosecute his appeal that he entered at the countie court at Newhaven the 14th of November, 1698, at the court of assistants to be holden at Newhaven in October next; and that the said Makenzie shall give bond with suretie to the secretary before the court of assistants to sit on the 15th instant, to prosecute his appeal to effect, and answer all damage in case he make not his plea good. And this Assembly orders that the said Makenzie shall be released from his imprisonment in Fairfield, and from execution upon the said judgment. And if the said Makenzie shall not prosecute his appeal as [18] abovesaid, then execution shall go forth from || the court at Newhaven upon the former judgment. Mr. Richard Blackleech, atturney for Dugall Makenzie, and Mr. Richard Edwards, did both personally appear before the said court of assistants and acknowledged themselves bound joyntly and severally in a recognizance of fiftie pounds currant money to the publick treasurie of this colonie, that the said appeal should be prosecuted as aforesaid.

This Assembly, upon the petition of Anthonie Ashbye, of the town of Groton, do order that no execution shall be issued forth against the said Ashby upon the judgment recovered against him by Leicister Grosvener of Mashamuggett, at the court of assistants holden at Hartford this present month, nor against the said Leicister Grosvener upon the judgment recovered against him by the said Ashby at the court of assistants in October last, until the General Assembly in October next have considered those causes upon which the said judgments have been given; and do order that both parties issue forth citations for appearance according to law, and abiding the judgment of the said next General Assembly.

This Assembly grants full power to Moses Wheeler, administrator on the estate of Arthur Kinde, late of Stratford, in the countie of Fairfield, deceased, with the advice of Capt. James

Judson and Lieutenant John Hawly of Stratford, to make sale of so much of the lands of the said Arthur Kind as will pay his just debts.

This Assembly upon the request of Joseph Gilbert, administrator on the estate of Thomas Gilbert, late of the town of Hartford, deceased, grants him full power, with the advice of Capt. Joseph Wadsworth and Lt. Joseph Tallcott, to sell so much of the land of the said Thomas Gilbert as may be necessary for payment of his just debts.

This Assembly judgeth it expedient that the Indian murderer in durance at Fairfield shall and may be returned to the Indians, that so the Indians may have the opportunitie to execute on him as they shall determine.

This Assembly considering the case of Abigail Thomson, the condemned prisoner, do see no cause to grant her any further reprieve.

Lt. Zechariah Sanford of Hartford, as atturney for Solomon Andrews of the same town, attending this court upon a citation served upon the said Andrews to answer to a petition wherein Mr. Joseph Bull and Lt. Jonathan Hill of the said town were concerned, the said petition being denied: this Assembly grants to the said atturney twentie shillings cost (to be paid in currant pay for his attendance at this court,) against the said Joseph Bull and Jonath. Hill.

Survey of Land for Coll. Robert Treat, Deputy Governour.

The General Court of this Colonie having formerly granted unto Coll. Robert Treat three hundred acres of country land, which appears to me never yet to have been laid out: I therefore have done the same upon the request of his son, as followeth, viz: At a place known by the name of Asponock, eastwardly from Lt. Aspenwell's, beginning at the southeast corner of the bounds of Capt. Daniel Wetherell and George Denisons four hundred acres, being a white oak tree marked on four sides, and is the northeast corner of this land; thence southeasterly by meerstones twelvescore rods to a white oak, being the southeast corner, and marked on four sides; thence west eighty rods to a black oak marked on two sides, so to a meer-
[19] stone eighty rods, thence || fortie rods to a maple tree standing in a ledge of rocks, marked four sides, which is the southwest corner tree; thence north norw. to the said Wetherell and Denisons southward line, so by the said line to the tree first abovementioned.

Ashpenuck, March the 29th, $170\frac{5}{6}$.

John Prentts, Countie Surveyor.

This Assembly doth allow and approve the within written survey of three hundred acres of land for Coll. Robert Treat, provided it doth not prejudice any former grant of this court; and do order that he shall have a patent for the confirmation thereof to himself, his heirs and assigns forever, signed and executed according to law.

[From a paper in the handwriting of Richard Christophers, communicated by Hon. Robert C. Winthrop.]

AT A MEETING OF THE COUNCIL IN NEW LONDON, JUNE 26th, 1707.

Present,

The Honourable Governour,
Capt. Daniel Wetherell, } Esq'rs, Assistants.
Richard Christophers, }
Lieut. John Hough,
Lt. Jonathan Prentts,
Ens. Robert Lattimore.

Ordered, That the Committee of War which were in the county of Hartford the last year, shall have the same power which they had then for the raising men upon a sudden exigence, for the relief and assistance of our own frontier towns and our neighbours in the county of Hampshire, until the next General Court.

AT A GENERAL ASSEMBLY HOLDEN AT NEWHAVEN, OCTOBER THE 9TH, 1707, AND CONTINUED BY SEVERAL ADJOURNMENTS TO THE END OF THE SEVENTEENTH DAY OF THE SAME MONTH.

Present at this Assembly,

Coll. Robert Treat, Esq[r], Deputy Governour.

Assistants present,

Major James Fitch, Nathaniel Stanly, John Hamlin, Nathan Gold, William Pitkin, Joseph Curtis, John Chester, Josiah Rossiter, Richard Cristophers, Peter Burr, John Alling.

Deputies present,

Capt. Cyprian Nickols, Capt. Aaron Cook, for Hartford.
Mr. Abraham Bradley, Lt. Samuel Smith, for Newhaven.
Mr. John Richards, Capt. John Livingstone, for Newlondon.
Mr. Benjamin Curtis, Mr. John Hawley, for Stratford.
Mr. John Sherman, for Woodbury.
Capt. Nathan[ll] White, Capt. John Hall, for Midltowne.
Lt. Sam[ll] Hale, Serj. John Hubbard, for Glassenbury.
Mr. John Eliot, Capt. Samuel Woolcutt, for Windzor.
Capt. John Higly, Mr. Nathan[ll] Holcomb, for Symsbury.

Mr. John Griswold, Mr. John Crane, for Kilinsworth.
Mr. Thomas Jud, Mr. Thomas Jud, jun., for Waterbury.
Major Ebenez[r] Johnson, Mr. Sam[ll] Brinsmead, for Darby.
Capt. Richard Bushnel,* Mr. Samuel Griswold, for Norwich.
Lt. Daniel Brewster, for Preston.
Capt. Robert Wells, Capt. Thomas Wells, for Wethersfield.
Mr. Joseph Platt, for Norwalke.
Mr. Joshua Riplye, for Windham.
Mr. William Holton, Mr. Joseph Bradford, for Lebanon.
Capt. Samuel Eels,† Lt. Joseph Treat, for Milford.
Mr. Manasseh Minor, Mr. Ichabod Palmer, for Stonington.
Lt. John Hart, Lt. John Stanly, for Farmington.
Mr. Stephen Bishop, Mr. Elisha Hollye, for Stanford.
Mr. Thomas Gates, Lt. James Wells, for Haddum.
Capt. Abraham Fowler, Mr. James Hooker, for Gilford.
Mr. Sam[ll] Fish, Mr. Nehemiah Smith, for Groton.
Capt. John Wakeman, Lt. Joseph Wakeman, for Fairfield.
Capt. Samuel Hall, Mr. John Parker, sen., for Wallingford.
Capt. William Eely, Mr. Mathew Griswold, for Lyme.
Mr. William Parker, Mr. Nathan[ll] Chapman, for Saybrook.
Mr. William Malbye, Mr. William Barker, for Branford.

[20] *Acts passed at this Assembly.*

An Act for repealing the last clause in the law made October 10th, 1706, respecting the Signing of Bills for the Payment of the Colonies Debts.

Whereas in the Act made October the 10th, 1706, concerning signing of bills for the payment of the colonies debts, it is said in the latter part of the said act or law,—And all accounts and bills for debts from the colonie not signed according to law shall not be received at any time, or accepted by the treasurer, or by any constable or constables, or by the auditors of the colonies accounts for the time being: This Court see cause to repeal the said latter clause of the said law, and it is hereby repealed and made void.

An Act for repealing the Act past October the 10th, 1706, concerning Purchases of Land of the Indians without Grant from the General Court.

This Court having considered the said act, and finding it to be prejudicial to this Colonie, do repeal the same, and the said act is hereby repealed and made void.

An Act for repealing the last paragraph of the printed law, title Indians.

Whereas in the last paragraph of the printed law, title In-

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* Clerk. † Speaker.

dians, pag. 57, it is enacted that no person shall be allowed or admitted to prosecute before any assistant, justice of the peace, or court of judicature in this colonie, any action of debt or detinue for any goods sold, lent, or trusted out to any Indian or Indians whomsoever: This Court doth now see cause to repeal the same, and it is hereby repealed accordingly. Always provided, that no person shall have benefit hereby to recover any such debt made before the publication hereof.

Grant of a Rate of four pence upon the pound.

This Assembly grants a rate of four pence upon the pound, to defray the charges of this colonie, to be paid in wheat at six shillings per bushel; rye at three shillings and six pence per bushel; Indian corn at three shillings per bushel, all to be good and merchantable; pork well repackt to pass at three pounds fifteen shilling per barrel; beef well repackt to pass at two pounds five shillings per barrel; and if any persons will pay their rate, or any part of it, in money at fifteen pennie weight, it shall be accepted at two thirds.

Persons nominated for Election in May next are,

Major General Fitz John Winthrop, Esq^{r}.
Colonel Robert Treat, Esq^{r}.

Major James Fitch, Capt. Daniel Wetherel, Nathaniel Stanly, John Hamlin, Capt. Nathan Gold, William Pitkin, Joseph Curtis, John Chester, Josiah Rossiter, Richard Cristophers, Peter Burr, John Alling, Esq^{rs}, John Hains, Esq^{r}, Capt. Abraham Fowler, Capt. Samuel Eels, Capt. Mathew Allin, Eleazar Kimberly, Capt. Jonathan Sellick.

List of Persons and Estates exhibited in this Assembly,

	lls.	*Persons.*		*lls.*	*Persons.*
Saybrook,	8229 00 0:	147.	Glassenbury,	03282 10 0:	082.
Fairfield,	14118 17 0:	171.	Norwalk,	07559 18 0:	130.
Lyme,	07158 12 0:	133.	Danbury,	02836 18 0:	062.
Symsbury,	03940 06 0:	080.	Waterbury,	01958 17 0:	049.
Lebanon,	05179 18 0:	135.	Kilinswort,	03367 18 3:	070.
Wethersfield,	14472 09 0:	250.	Darbye,	02855 00 0:	053.
East Haddum,	02903 18 0:	070.	Branford,	05693 13 0:	090.
Norwich,	08911 06 0:	168.	Stanford,	07845 17 6:	100.
Milford,	12511 05 3:	170.	Newlondon,	10277 17 8:	226.
Gilford,	10245 00 0:	165.	Farmington,	08195 16 0:	130.
Preston,	03488 10 0:	077.	Greewich,	04401 15 0:	084.
Midltown,	08994 10 0:	180.	Hartford,	20438 00 0:	310.
Stratford,	12989 18 3:	140.	Woodbury,	03840 00 0:	080.
Groton,	06602 04 0:	125.	Windzor,	15450 00 0:	315.
Wallingford,	07288 00 0:	130.	Easthaven,	02277 05 0:	044.
Stonington,	06973 07 6:	117.	Newhaven,	15223 16 0:	280.
Windham,	02758 12 8:	069.	Plainfield,	01265 10 0:	
West Haddum,	02351 00 9:	048.	Mansfield,	01154 07 0:	

[27] This Assembly grants to our honoured Governour a sallerie of one hundred and twentie pounds for his good service the year past; and to our honoured Deputy Governour, for his good service the year past, a sallerie of sixtie pounds.

This Assembly grant to the Treasurer that his sallerie for the year ensuing shall be fortie five pounds in pay.

This Assembly allows to the town of Waterbury fifteen pounds out of the country rate, considering the charge they have been at in fortifying; and to the town of Symsbury, seven pounds to be paid out of the country rate, in consideration of their charge in fortifying; and to the town of Woodbury seven pounds, to be paid out of the country rate, in consideration of their charge in fortifying.

Council stated.

Voted and concluded by this Assembly, That the Council appointed to assist the Governour, or in his absence the Deputy Governour, in the intervale of the General Assembly, shall consist of two of the Assistants at the least, and four able, judicious freemen, such as the Governour, or in his absence the Deputy Governour, shall call to council; who shall have power, in the intervales of the General Assembly, to manage the affairs of this colonie according to charter, they not to raise men to send out of the colonie, (unless in case of exigencie, or to lodge men in the countie of Hampshire if need be,) nor to dispose of the colonies money.

Towns of Plainfield, Colchester, and Mansfield to send in their Lists.

It is ordered by this Assembly, That the towns of Plainfield, Colchester, and Mansfield, before the first day of December next, shall send a list of their persons and estates in their respective towns according to law, to the Secretary of this Colonie, that they may be entered with the other lists, on penaltie of fortie pounds each town for their neglect.

Committee of War appointed in Hartford Countie.

It is ordered and enacted by this Assembly, That there shall be a Committee of War in the countie of Hartford, consisting of seven, viz: Mr. Nathaniel Stanly, Mr. William Pitkin, Maj. John Chester, Maj. William Whiting, Capt. Cyprian Nickols, Capt. Aaron Cook, Capt. Mathew Allin, or any four of them; who shall have full power to send out what souldiers shall be needful, (not exceeding sixtie men unless in case of actual invasion by a body of the enemy,) to defend our frontiers on that side, and the countie of Hampshire, from the as-

saults of the enemy. And the constables, by warrant or order from the said Council of War, shall impress so many souldiers as they shall be directed, and what shall be necessary to furnish them for their expedition. And such souldier or souldiers so impressed that shall refuse to attend her Majesties service, shall be punished as the law directs in such case when the souldiers are impressed by a warrant from the major of the countie. The said Committee of War to appoint officers for the said souldiers, who are to be commissioned by the Governour.

Military Officers appointed in the towns of Farmington, Newlondon, and Stonington.

George Denison, gent., is by this Assembly appointed Captain of the trainband in Newlondon, that was formerly under the command of Capt. Daniel Wetherel, and to be commis- [22] sioned accordingly. || Lt. John Hart is by this Assembly appointed to be Captain of the trainband in the town of Farmington, and Ensign Samuel Wadsworth to be their Lieutenant, and Sam[ll] Newell to be their Ensign, and to be commissioned accordingly. Mr. Joseph Saxton is by this Assembly appointed to be Captain of the north company in Stonington, Ephraim Minor, Jun[r], to be their Lieutenant, and Ichabod Palmer, Ensign, and to be commissioned accordingly. And Maj. James Fitch is by this Assembly appointed to make an equal division of the souldiers in Stonington.

Act concerning the East Farmers in Gilford.

Whereas the town of Gilford, in the year 1703, in answer to a petition of their east farmers, did grant the said east farmers on the east side of the Neck river, libertie to be a societie by themselves, and to procure a minister among themselves, in case the General Court should approve and confirm the same, they paying their dues to the minister of Gilford until they had a minister among themselves, as doth appear by a vote of said town bearing date the sixt of April, in the year abovesaid. And whereas the said east farmers or societie have now laid before this Court the charge which they have been at, in building a meeting house and settling a minister among themselves, humbly praying this Court to confirm the bounds of their societie, and to grant them such privileges as this Court shall think fit. This Court having considered what hath been laid before them by those who represented said societie, as also by those that represented the town of Gilford, do see cause to order, that the farmers in Gilford, on the east side the Neck river, and bounded upon said river and

neck westerly, upon the sea southerly, and upon Kilinsworth easterly, shall be a distinct societie by themselves, and shall have full power to make rates for the maintenance of their minister, building or repairing their meeting house from time to time, or any necessary charges arising about the same, as also to choose collectors for said rates, and a societie recorder or clerk for recording what may be necessary concerning the said societie, with libertie to said societie to imbody themselves in church estate, and to have the benefit of the school money within the bounds of the societie, provided they keep a school there. And the said societie is hereby freed from paying any rate to the minister of Gilford, so long as they maintain an orthodox minister among themselves.

Upon the petition of Capt. Nathan Gold, Mr. Peter Burr, Capt. John Wakeman, John Edwards, Jonathan Sturgis, John Barlow, Gideon Allin, Samuel Wilson, Samuel Jinings, Moses Dimon, and Joseph Wakeman, all inhabitants of Fairfield, in behalf of themselves and their associates, for a certain tract of land to be for a township, lying north of and near to Danbury, bounded southerly upon Danbury, running thence northerly fourteen miles; bounding easterly upon Newmilford, westerly upon the colonic line: This Court grants to them the said petitioners and their associates, their heirs and assigns forever, the abovesaid tract of land for a township, provided it doth not prejudice any former grants; to be under such regulations for the settlement thereof and the number of inhabitants as this Court shall judge fit.

This Assembly doth appoint and impower Mr. Caleb Stanly, surveyor for Hartford countie, and Capt. John Prentis, surveyor, to survey and lay out to the heirs of Governour Hains the one thousand acres of land granted to him by the General Court, March the 27th, 1643; and to the heirs of Mr. Joseph [23] Hains the three hundred acres of land granted || to him by the General Assembly, May the 15th, 1662; and to Mr. Timothie Woodbridge his grant of two hundred acres, granted to him by the General Assembly, October the 13th, 1687, where the said several grants may be surveyed and laid out to the abovesaid persons without prejudice to former grants to any particular person or plantation. The work to be done at the charge of the said grantees.

This Assembly doth allow to the inhabitants of the village on the east side of the ferry river in Newhaven, sixteen shillings and six pence in money, and seventeen shillings and six pence in pay, for cost of attendance at this Assembly upon the citation of the inhabitants of the town of Newhaven.

[*In the margin.* Cost allowed to Joseph Wakeman, agent for Fairfield, for his attendance on this court upon the citation of Joseph Lockwood, is fourteen shillings.]

Capt. William Ely and Mr. Mathew Griswold, in behalf of the town of Lyme, making application to this Assembly respecting a person in Lyme named Polly, that is a cripple, having lapsed their opportunitie of applying themselves to the court of assistants as the law directs: This Assembly gives libertie to the inhabitants of the said town to make their application to the next court of assistants.

The estate of Richard Harvie, late of Stratford, deceased, being considerably indebted, and nothing left to pay the debts but land: This Assembly, upon the motion of John Hide of Fairfield, administrator of the said estate, grants to the said John Hide libertie, (with the advice of Mr. Peter Burr and Mr. John Edwards,) to sell so much of the lands belonging [to] the estate of the said Richard Harvie as may be needfull for the payment of his just debts.

Amy Gilbert of the town of Wethersfield, a poor, lame, impotent person, and non compos mentis, having been chargeable to the said town for some years past, and having only a small estate in lands: This Assembly, (upon the motion of the selectmen of the said town,) do impower the selectmen of Wethersfield aforesaid for the time being, to make sale of the said Amy Gilberts land, the produce thereof to be improved for her livelyhood and maintenance.

Whereas it appears to this Assembly that David Sage of Midltown is a distracted person, this Assembly (as the law directs,) allow the selectmen of the town of Midltown to sell the land of the said David Sage for his maintenance; provided they tender the sale thereof first to his relations.

This Assembly grants power to Licut. John Hawly, administrator to the estate of John Negro, to sell so much of his land as will make payment of ten pounds; it appearing by a copie of record of the court of probates in the countie of Fairfield that there is near ten pound more due from the said John Negroes estate then his moveables will pay.

Whereas there were two actions depending in the court of assistants holden at Newhaven, October the 3d, 1706, by appeal from the judgment of the countie court in Newlondon, between Leicister Grossvener, of Mashamuggett in the countie of Newlondon, and Anthonie Ashbye Jun^{r}, of Groton in the said countie; in one of which actions the said Leicister Grossvener was plaintiff contra the said Anthonie Ashbye, in an ac-

[27] tion of debt due upon an obligatory bill of four || hundred pounds cash, conditioned for the deliverie of a deed under hand and seal, of certain lands in Mashamuggett to the said Grossvener at a certain day, the condition not being performed by the said Ashbye ; and in the other of which actions, the said Anthonie Ashbye was plaintiff contra the said Leicister Grossvener, in an action of debt upon an obligatory bill of four hundred and twentie pounds, conditioned for the deliverie of two hundred and ten pounds cash to the said Anthonie Ashbye at the same day, the said Grossvener not having performed the said condition ; and in both these actions the jury find for the plaintiffs the several sums mentioned in their respective bonds, and the court accepting the verdicts of the jury chancered Grossveners bond to Ashbye to two hundred and ten pounds, and at their sessions in May last, the case being brought to the court of assistants, by review, the court denyed to chancer Ashbyes bond to Grossvener ; the said Anthonie Ashbie, thinking himself greatly wronged thereby, petitioned this Assembly for relief. This Assembly having heard and considered the pleas of both parties, do chancer the bond of four hundred pounds aforesaid, given by the said Ashbie to the said Grossvener, to the sum of two hundred and ten pounds ; and do order that both parties bear their own charges, and that neither partie shall have execution upon the judgments given for them by the court of assistants upon their said respective bonds.

This Assembly doth allow to Capt. Samuel Eels, Speaker of the Lower House, for his good service this sessions, twentie shillings cash, to be paid out of the fees of the Lower House ; and Capt. Richard Bushnell, Clerk of the Lower House, fifteen shillings cash, to be paid out of the fees of the Lower House. This Assembly allows to Joseph Pardie, constable, for his service, three shillings and six pence per day.

The petition of John Holly and Jonath. Bates being presented before this Assembly, declaring their aggreivance with the settlement or distribution of the estate of their father in law, Mr. John Sellick, by the court of probates in the countie of Fairfield, there being nothing allowed to the eldest son David : This Assembly, having considered the matter of their petition, do grant the said petitioners the libertie of an appeal from the sentence of the said court of probates to the court of assistants in May next.

Acts passed at a General Assembly holden at Newhaven, December the 17th, 1707, by special order of the Honourable the Deputy Governour, and continued by several adjournments to the 19th day of the same month.

Present at this Assembly,

The Honourable Colonel Robert Treat, Deputy Governour.

Assistants present,

Daniel Wetherell, Nathaniel Stanly, John Hamlin, Nathan Gold, Joseph Curtis, Josiah Rossiter, Richard Cristophers, John Alling, Esq^{rs}.

Deputies present,

Capt. Cyprian Nichols, Capt. Aaron Cook, for Hartford.
Mr. Abraham Bradlye, Mr. Samuel Smith, for Newhaven.
Capt. Samuel Eels, Lt. Joseph Treat, for Milford.
Capt. John Levingstone, Ens. John Richards, for Newlondon.
Capt. John Wakeman, Lt. Joseph Wakeman, for Fairfield.
Capt. Abraham Fowler, for Gilford.
Mr. Joseph Bradford, for Lebanon.
Mr. William Malbye, Mr. William Barker, for Branford.
Capt. John Hart, Lt. John Stanly, for Farmington.
Mr. Joseph Ripley, Ens. Joseph Cary, for Windham.
Mr. Thomas Jud, for Waterbury.
Lt. James Wells, for Haddum.
Capt. Robert Wells, Capt. Thomas Wells, for Wethersfield.
Mr. John Eliott, for Windzor.
Capt. John Higly, for Symsbury.
[25] Capt. Nathaniel White, Capt. John Hall, for Midltown.
Capt. John Minor, Mr. John Sherman, for Woodbury.
Capt. Samuel Hall, Mr. John Parker, for Wallingford.
Mr. John Griswold, Mr. John Crane, for Kilinsworth.
Mr. William Parker, Mr. Nathaniel Chapman, for Saybrook.
Mr. Mathew Griswold, for Lyme.
Capt. John Parks, Mr. Daniel Bruster, for Preston.
Mr. Manasseh Miner, for Stonington.
Maj. Ebenezer Johnson, Mr. Samuel Brinsmeed, for Derby.
Mr. Benjamin Curtis, Lt. John Hawly for Stratford.
Mr. Joseph Platt, Mr. Samuel Hanford, for Norwalke.
Mr. Stephen Bishop, Mr. Elisha Holly, for Stanford.
Lt. James Bebee, Ens. Tho. Tayler, for Danbury.

The Secretary of the Colonie being absent by reason of sickness, the Assembly made choice of Mr. John Winston to

supply the place during this sessions, who took the oath accordingly.

The Assembly being convened, his honour the Deputy Governour declared that the cause of his calling this Assembly, was the certain and sorrowfull intelligence he had received of the death of the Honourable Major General Fitz John Winthrop, our late Governour,* and that they might have opportunitie to choose a Governour to supply the place now vacant. The Assembly being sensible of the necessitie of such supply, proceeded, according to the power granted to them by charter, to the choice of a Governour.

Ordered by this Assembly, That the votes of both Houses for the choice of the Governour shall be mixt or put together before they be sorted, and that the major part of the votes shall determine the choice.

Joseph Curtis, John Alling, Esq^{rs}, Mr. Abraham Bradlye, Capt. John Levingston, and Capt. John Wakeman, were by this Assembly appointed to sort the votes to be given in for the choice of a Governour, who took the following oath, viz:

You, Joseph Curtis, John Alling, Abraham Bradlye, John Levingstone, and John Wakeman, being appointed to sort the votes now to be given in for the choice of a Governour, doe swear that you will faithfully do the same and declare who is chosen by the major part of this Assembly. So help you God.

The votes of both houses being brought in and sorted, the persons appointed for that service return as follows, viz:

We, whose names are underwritten, being chosen to sort the votes, do declare that Mr. Gurdon Saltonstall is chosen Governour by a major vote of this Assembly. Joseph Curtis, John Alling, Cyprian Nichols, John Levingston, John Wakeman, Abraham Bradlye.

Capt. Daniel Wetherel, John Hamlin, Nathan Gold, Richard Cristophers, John Eliot, Esq^{rs}, Capt. Cyprian Nicholls, Capt. Samuel Eels, and Capt. John Levingstone, are by this Assembly ordered and desired, with all convenient speed to wait upon the Honourable Gurdon Saltonstall, Esq^{r}, at Newlondon, signifying to him that this General Assembly have chosen him Governour of this her Majesties Colonie of Connecticutt; and, after the tender of all respects in behalf of this Assembly, in their name to desire that he would please to accept or comply with the great trust by this Assembly reposed in him; and the gentlemen assistants to administer unto

* At Boston, November 27th, 1707.

him the Governours oath, according to form in the law stated, and such other oath as by Act of Parliament respecting trade and navigation are required.

A letter from this Assembly, directed to the Honourable Gurdon Saltonstall, was read and approved in both houses, and also a letter directed to the inhabitants of Newlondon.

[26] January the first, 170$\frac{7}{8}$. The Honourable Gurdon Saltonstall, Esq^{r}, declared his acceptance of the place of Governour, whereunto he was chosen by this Assembly, and the Governours oath by law required was administred to him, according to the order of this Assembly, by persons thereunto appointed; and the oath in such case required by Act of Parliament, respecting trade and navigation.

This Assembly desires the Honourable Gurdon Saltonstall, elected Governour, with the gentlemen appointed by this Assembly to wait upon his honour, to write and send home to our agent in England, in answer to his letters, what they shall judge needfull.

Whereas in the printed law, title Election, it is said, Out of which number the Governour and Deputy Governour shall be chosen: This Assembly doth now see cause to repeal that part of the said law, and it is hereby repealed; and do now order and enact that for the future the several freemen in the respective towns have libertie to choose for the Governour and Deputy Governour, where they see cause, of all or any of the freemen within this Colonie.

This Assembly grants to the town of Danbury the sum of five pounds in country pay out of the country rate last granted, in consideration of the charge of said town in fortifying.

This day Capt. John Shackmaple presented to the Deputy Governour a letter directed to our late Governour Winthrop, from Coll. Quarry, surveyor general, signifying that he had commissioned and deputed the said Capt. Shackmaple to be her Majesties collector, searcher and surveyor of her customs in this Colonie, which letter and commission was read in council.*

* There is, in Civil Officers, I. doc. 84, a copy of the acts of this session, which varies somewhat in phraseology from the record. It is in the handwriting of Caleb Stanly, Jr.

[27] At a General Assembly and Court of Election holden at Hartford, May the 13th, 1708.*

Present,

The Honourable Gurdon Saltonstall, Esq^{r}, Governour.

Assistants present,

Maj. James Fitch, Capt. Daniel Wetherel, Nathaniel Stanly, John Hamlin, Nathan Gold, John Chester, Josiah Rossiter, Richard Cristophers, Peter Burr, John Alling, Esq^{rs}.

[45] *Deputies present at this Assembly of May the* 13*th*, 1708.

Capt. Cyprian Nichols, Capt. Aaron Cook, for Hartford.
Capt. Samuell Eells, Lt. Joseph Treat, for Milford.
Lt. Sam^{ll} Smith, Mr. Abraham Bradly, for Newhaven.
Capt. Mathew Allin, Mr. John Eliott, for Windzor.
Ens. Theophilus Hull, Mr. John Burr, for Fairfield.
Capt. Jn^{o} Clark, Mr. William Parker, for Saybrook.
Mr. Sam^{ll} Hanford, for Norwalk.
Capt. William Eely, Mr. Joseph Peck, for Lyme.
Capt. James Averie, Lt. John Morgan for Groton.
Capt. Sam^{ll} Hall, Mr. Jn^{o} Parker, for Wallingford.
Mr. William Gallop, Mr. Robert Denison, for Stonington.
Mr. John Sprague, Mr. Sam^{ll} Huntington, for Lebanon.
Mr. William Malbye, Mr. Nathan^{ll} Foot, for Branford.
Lt. Daniel Bruster, Mr. Caleb Fobes, for Preston.
Capt. Jonath. Sellick, Mr. Elisha Holly, for Stanford.
Mr. Jn^{o} Fellows for Plainfield.
Capt. Richard Bushnel, Lt. Solomon Tracie, for Norwich.
Lt. John Richards, Mr. William Duglass, for Newlondon.
Mr. Joshua Riply, for Windham.
[46] Capt. Abraham Fowler, Mr. James Hooker, for Gilford.
Mr. James Wells, for Haddum.
Capt. Jn^{o} Minor, Mr. John Sherman, for Woodbury.
Capt. Tho. Wells, Mr. William Warner, for Wethersfield.
Lt. Sam^{ll} Hale, Mr. Jonath. Smith, for Glassenbury.
Mr. Timothie Stanly, Mr. Thomas Jud, for Waterbury.
Mr. Sam^{ll} Buel, Mr. John Griswold, for Kilinsworth.
Capt. John Higly, Mr. Nathan^{ll} Holcom, for Symsbury.
Capt. James Judson, Mr. Sam^{ll} Hawly, for Stratford.
Mr. Josiah Starr, for Danbury.
Capt. John Hart, Mr. John Stanly, for Farmington.

* The Journals of the Upper and Lower Houses at this session are the earliest which are preserved. That of the Upper House is contained in eight leaves, and is mostly in the handwriting of Governor Saltonstall. The Journal of the Lower House fills but four leaves.

Capt. Natha[ll] White, Capt. John Hall, for Midltowne.
Mr. John Bowers, for Derby.

Capt. Sam[ll] Eels, *Speaker.*
Capt. Richard Bushnel, *Clerk.*

[27] This day being the day appointed by charter and the laws of this Colonie to be the day for election of publick officers for this corporation, viz:—Governour, Deputy Governour, Assistants, with a Treasurer and Secretary,—proclamation being made by order of the Governour and Council, the freemen of the corporation proceeded accordingly to give in their votes to persons chosen and appointed by the honourable the Governour, Council, and Representatives, to receive and sort them.

The persons chosen and appointed by his honour and Council are, Maj. William Whiting, Esq[r], Capt. Richard Lord, Gent.; and the persons chosen by the Representatives are, Capt. Cyprian Nichols, Capt. Aaron Cook, Lt. Joseph Treat, Capt. John Clarke, and John Burr.

The persons appointed to receive and sort the votes of the freemen had the following oath administred to them, viz:

You and each of you being appointed to receive, sort and count the votes that shall be brought in at this election for the choice of Governour, Deputy Governour, Assistants, Treasurer, and Secretary, do swear by the name of the everliving God, that you will faithfully, truely, and according to the best of your skill, perform the service now committed to you, and declare the names of the persons that shall be chosen to any of the aforementioned offices according to law. So help you God.

The persons appointed and sworn for the service, having received, sorted, and counted the votes exhibited, declare as follows, viz:

The Honourable Gurdon Saltonstall, Esq[r], is chosen Governour of this Colonie for the year ensuing.

The Honourable Capt. Nathan Gold, Esq[r], is chosen Deputy Governour of this Colonie for the year ensuing.

Major James Fitch, Capt. Daniel Wetherel, Nathan[ll] Stanly, John Hamlin, William Pitkin, Joseph Curtis, John Chester, Josiah Rossiter, Richard Cristophers, Peter Burr, Jn[o] Alling, John Hains, Esq[rs], are chosen to be Assistants in this Colonie for the year ensuing.

Capt. Joseph Whiting, Esq[r], is chosen Treasurer of this Colonie for the year ensuing.

Eleazar Kimberly, Esq[r], is chosen Secretary of this Colonie for the year ensuing.

This day the Honourable Capt. Nathan Gold, Esq^{r}, took the Deputy Governours oath, administred to him according to law.

Also the assistants oath was administred according to law to the persons abovenamed that were chosen to that service, [27] excepting || only William Pitkin and Joseph Curtis, then absent.

Also the secretaryes oath was administred to the person chosen by the freemen for that service.

The Court adjourned to the fourteenth day at eight of the clock ante merid.

May 17th, the Governour took the oath proper for his office before both Houses.

Simon Chapman, administrator on the estate of Capt. Samuel Crosse, late of Windzor, deceased, making it evident that there is not sufficient personal estate for the payment of just debts: This Court, upon his prayer, do grant him libertie to sell so much of the land belonging to the said estate as is necessary for discharging the debts of said deceased.

This Assembly doth establish Nathaniel Lomis to be Lieutenant of the trainband on the east side of the great river in Windzor.

Upon the petition of sundry inhabitants of the town of Norwalke, that they might have libertie to purchase of the Indians a certain tract of land bounded south on Norwalk bounds, northeast on Danbury, and west upon York line: This Assembly doth grant them libertie to purchase the said tract of land, provided it doth not prejudice any former grant; this Assembly reserving to themselves a power for the settlement and alotment of the land so to be purchased among the petitioners and such others as the said General Assembly shall judge meet.

Whereas the inhabitants of the western farms belonging unto the town of Fairfield, did petition that they might have libertie to provide an orthodox minister of the gospel amongst them to carry on the worship of God: This Court do recommend the matter contained in this petition to the reverent elders in the countie of Fairfield, to consider whether the libertie desired may be subservient to the end proposed, viz., the advancement of religion; who are hereby desired to report their thoughts therein to the General Assembly at Newhaven in October next, for their further direction and order therein.

This Court, upon the prayer of the inhabitants of the town of Mansfield, do grant them freedom from paying of rates to

the countrie for the term of six years, provided they improve the money which ought to be paid to the countrie for the building of a meeting house or ministers house.

This Court, upon the prayer of the Reverend Mr. James Noyes, do grant him two hundred acres of land, if it can be found without prejudicing any former grant of this court.

This Court, upon the petition of the inhabitants of the village called the Great Swamp, in the township of Farmington, do grant them release from the payment of countrie rates for four years.

This Court do allow Joshua Hemstid of Newlondon, twentie six shillings and eight pence pay, for his travail and attendance at this court upon the citation of John Edgcombe of the same town.

Upon the consideration of the petition of Mr. Isaac Wheeler of Stratfield, it appearing that the matter alledged in the [29] plaint, || viz., that the said Wheeler desired an appeal from the judgment of the countie court in Fairfield, March the 9th, $170\frac{7}{8}$, in the case between the said Wheeler and Isaac Hall, Sen^{r}, of Fairfield, and that the same was granted, though by some means or other not entred: The question was put whether the prayer in this petition for the appeal mentioned shall be granted: resolved in the affirmative, and this court doth grant the appeal of the petitioner to the next court of assistants.

This Assembly doth establish Timothie Thrall to be Captain of the company on the north side of the little river in Windzor.

At this Assembly allowed to Mr. Richard Lord twelve shillings and six pence in pay, for his attendance on this court upon the citation of Sam^{ll} Willis, Esq^{r}, the said Sam^{ll} withdrawing his prosecution.

This Assembly approves of the division of the train soldiers in Newlondon, made by the honourable the Governours direction.

This Court do establish John Hough, Captain, Robert Lattimer, Lieutenant, and Clement Minor, Ensign, of the south and eldest company in Newlondon.

This Court do establish John Prents, Captain, John Richards, Lieutenant, and Joseph Harris, Ensign, of the north company of Newlondon.

This Assembly doth desire and consent that our honoured Governour take upon him the care of the militia in this time of war as Commander in-chief; particularly to give all neces-

sary orders to put our militia in warlike posture, and that all inferior officers do their duty; and if any shall presume to refuse or neglect to obey such orders, that other meet and suitable persons be commissionated by him as shall attend their duty, and that such vacancie be supplied by him in the intervales of the General Assembly as he shall find necessary.

This Assembly having considered the motion of the Treasurer made to them, do order that he shall pay the remaining provision of the last countrie rate which is yet in his hand in any part of the colonie, unto several persons within the said colonie to whom they are indebted, both for salleries or other debts of what kind soever; and after all the debts are discharged due from the colonie as aforesaid, and there be any provision yet remaining, the treasurer shall turn it to money to the best advantage for the colonies use.

This Assembly grants libertie unto Lydia Crane, widow and relict of Israel Crane, late of Wethersfield, deceased, to sell so much land belonging unto the estate of her said husband as shall be thought necessary by the court of probates in the countie of Hartford, for the payment of his just debts, and no more.

This Court having resolved to hear, and accordingly heard, the complaint or information of John Ranny of Midltown, against Mr. John Hamlin and Capt. Nathan[l] White of Midltown, wherein they are charged by him to have falsified in their evidence given in upon their office oath at a countie court held at Hartford, April 8th, 1707, do find that the said Capt. John Hamlin and Capt. Nathan[l] White are not guiltie of the abovesaid charge, and order the said Rannye to pay them costs. And forasmuch as the said John Ranny hath falsely accused and greatly defamed the abovesaid Capt. Hamlin and Capt. White, who are persons in civil authoritie, which greatly aggravates his offence, therefore this Court see cause to sentence him for the same to pay as a fine to the colonie treasurie, the sum of five pounds, and that he find sureties for his appearance at the next General Court to be holden at [30] Newhaven, || in October next, and for his good behaviour in the mean time, in the sum of one hundred pounds, and stand committed until this sentence be complyed with.

Sergt. Thomas Griswold is by this Assembly established to be Ensign of the trainband on the south side of the little river in Windzor.

This Assembly grants to the inhabitants of Groton the libertie of a new election of their military officers.

This Assembly desireth the honourable the Governour, with such gentlemen as his honour shall see cause to take with him, to go to Stonington and to make an equal division of the trained soldiers there between the two companies, if there be a sufficient number for two companies; otherwise to make up Capt. Cheesbrows company full, and the remainder to belong to the north company, in case it appears to his honour and the gentlemen with him that it is not so already, any former acts to the contrary notwithstanding; and all persons concerned in said companies, are hereby ordered to attend his honour the Governours order in the premises.

Ensign Hezekiah Willis is by this Assembly established to be Captain of the trainband on the south side of the riverett in Hartford, and Sergt. James Steel to be their Ensign.

The Colonie Treasurer informing this Assembly that he ordered Sam[ll] More, constable of Windzor, with the other constables in the said town, thirtie one pounds, &c., to be paid to Capt. Benjamin Newbury, and that said Sam[ll] More, constable, gave him an account of four pounds nineteen shillings more then he had paid to said Capt. Newbury, as he saith appears by said Newburyes account, whereby it is evident so much remains yet due to said Newbury: The Treasurer desiring direction in the abovesaid case: it is ordered by this Court, that the treasurer shall distrein the said sum, or so much as doth appear to be due, out of the estate of the said More.

Ordered by this Assembly, That the Treasurer shall go to the several towns in this colonie, and make up the accounts with the constables of said town for the rate granted in October last, for which service he shall be allowed out of the Colonie treasury the sum of fortie pound.

Whereas it seems expressed in the law that the charge of the prosecution of delinquents shall be first paid by the countie and colonie treasurie, and so is accordingly practised, and afterwards by the delinquents to the treasury, which is rarely put in execution, whereby the said treasury is unjustly charged:

It is now ordered and enacted by this Assembly, That the necessary charges of prosecution in case of delinquency shall be born and satisfied by the said persons so prosecuted for delinquency, any law to the contrary notwithstanding; except where it shall appear to the court or justice that there was no reason or cause for any such prosecution or information.

Charge of prosecuting delinquents, how defrayed.

Thomas Olcott, Junr, is by this Assembly established to be Ensign of the trainband on the east side of the river in Hartford.

[31] Shoball Dimmuck is by this Assembly released from the place of Lieutenant of the trainband in Mansfield, and Mr. Thomas Huntington is appointed to be Lieutenant of the said company in his place.

Lieut. Abraham Chalker is by this Assembly, upon his request, released from his commission of Lieutenant of the trainband in Saybrook.

Upon the petition of Deborah Whelply of Fairfield, widow, administratrix of the estate of her deceased husband, Joseph Whelply, this Assembly grants to the said widow, with the advice of her brother in law, John Andrews of Fairfield aforesaid, joynt administrator of the said estate with the said widow, free libertie and full power to confirm to Nathanll Nichols of the said town one acre and half and three rods of land lying at Compowe in the said town, by deeds under their hands and seals, to have and to hold the said lands unto the said Nathaniel Nichols and to his heirs forever; the said Joseph Whelply having sold the said land unto the said Nichols in his life time, and received the price agreed upon, but was prevented by death from giving deeds thereof.

Mr. John Eliott of Windzor, offering to this Assembly that he will undertake to make pitch in considerable quantities: for his incouragement in the design, which may be for publick advantage, this Assembly, upon the desire of the said John Eliot, grants to him, his executors and assignes, the sole privilege of making pitch within this government for the term of ten years next ensuing the present sessions of this Assembly; reserving only to masters and owners of vessells trading into this government liberty to boil up tar for the use of their vessells, and to other persons for their own private use. And this Assembly doth grant to the said undertakers, that if any pitch shall be made in this government by any persons, except for private use as aforesaid, whereby the said undertaker, his executors or assignes, shall be more or less obstructed, hindred, or disadvantaged, and the intent and good meaning of said grant frustrated, it shall be lawfull for said John Eliott, or his assignes, by warrant from authoritie, directed to any officer or indifferent person, to seize said pitch, one half for his own use, and the other half to the use of the Colonie, to be tried and condemned in any of her Majesties courts within this colonie. Provided always, and the condition of this grant is, that the said Mr. Eliott do set about and effect the said

undertaking within the space of two years after this present sessions of this Assembly.

John Ranny of the town of Midltown, in his case contra Capt. Jn° Hamlin and Capt. White of the same town, impudently declaring in the presence of both houses and at the bar in these terms, viz: A great many are against me, and the judges are against me for ought I know, was thereupon committed by order of the Governour in the presence of the Assembly.

This Court order that the said John Ranny, for the crime abovementioned, shall pay a fine of five pounds to the Colonie treasurie, and give bond with sufficient suretics to the sum of one hundred pounds for his appearance at the next General Assembly, and for his good behaviour in the mean time, and also to stand committed till this sentence shall be fullfilled.

This Assembly, being very sensible of the uncomfortable state of New Haven, by reason of the unhappy differences between the said town and the village, and greatly desirous to have the said differences reconciled, do order and appoint Joseph Curtis, Richard Cristophers, Esq^rs, and Capt. Abraham Fowler, with Mr. Peter Burr and Mr. John Sherman of Woodbury, a committee to hear the parties, and indevour, if possi-
[32] ble, to bring them to a || good agreement, and make a true report to the General Assembly in October next, that further measures, as the necessitie of the case requires, may be taken, and all to be at the charge of Newhaven.

This Assembly, upon the desire of the volunteers, do grant that the plantation formerly given to them shall be called Volluntown.

Whereas it is found by experience, that by reason of the multiplicitie of business and the shortness of the time between the day of the first sessions of the court of assistants and the sessions of the General Assembly not being sufficient to hear and conclude the same: for the enlargement of the time,

Court of Assistants to begin 2 days sooner then formerly.

It is now ordered and enacted by this Assembly, That the day for holding the said courts of assistants shall be the Tuesday next preceding the first Thursday in the months of May and October annually.

Whereas Daniel Clarke of Hartford, locksmith, hath presented a petition to this court, complaining therein against the act of the court of assistants, May the 4th, 1704, for committing him to gaol without law, as he conceives: This Assembly judge the said act of the said court of assistants was agreeable with the law.

It is ordered and enacted by this Assembly, That the major part of the inhabitants of any town, plantation, or societie, qualified as the law directs to vote in all other town affairs, or are members in full communion with the church in the said town or societie, that shall be present at a town or societie meeting legally warned, shall have power by the major vote of them so met to call and settle a minister; and the minister so called and settled shall be the minister of such town or societie, any law, usage, or custom to the contrary notwithstanding. And all agreements respecting the settlement and maintenance of such minister by the major part of the persons qualified and met as aforesaid, shall be binding and obliging to all the inhabitants of such town or societie, and to their successors, according to the true intents and purposes thereof.

Who to call and settle a minister.

For the better regulating proceedings and pleas at the bar of the several countie courts or courts of assistants within this government,

It is ordeined by this Court and the authoritie thereof, That no person, except in his own case, shall be admitted to make any plea at the bar, without being first approved of by the court before whom the plea is to be made, nor until he shall take in the said court the following oath, viz:

Atturnies to be under oath.

You shall do no falshood, nor consent to any to be done in the court, and if you know of any to be done you shall give knowledge thereof to the justices of the court, or some of them, that it may be reformed. You shall not wittingly and willingly promote, sue or procure to be sued any false or unlawful suit, nor give aid or consent to the same. You shall delay no man for lucre or malice, but you shall use yourself in the office of an Atturney within the court according to the best of your learning and discretion, and with all good fidelitie, as well to the court as to the client. So help you God.*

The administration and taking of which oath shall be registred by the clerk of the said court, and be a sufficient proof of his admission as an atturney to the bar of the said court.

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* At the Court of Assistants held October 5th, 1708, Jeremiah Osbourn, Esq. of New Haven, Mr. Jonathan Law of Milford, and Mr. John Parker of Saybrook, were admitted attorneys at the bar; on the 6th Mr. Richard Edwards of Hartford, and Mr. James Rogers, jun. of New London, Mr. John Read of Stratford, and Mr. Thomas Turnour of Scituate were admitted; on the 7th, Capt. William Ely of Lyme, and on the 8th, Lieut. James Bennett of Stratfield, were admitted. At the next term, May, 1709, Mr. Roger Wolcott of Windsor, and Mr. Ebenezer Pumery of Northampton, were admitted, and for manifest contempt of the court Mr. John Read was admonished by the governor, as chief judge, and forbidden to plead until he should make an acknowledgment to the acceptance of the court, which he did October 5, 1709.
Record Co. of Assistants, II.

This Assembly doth grant unto Mr. Hezekiah Tallcott, Joseph Seaward, Caleb Seaward, David Robison, John Sutliff, Sam[ll] Fairchild and James Wadsworth, together with the rest of the inhabitants and proprietors in the township of Durham, (excepting the town of Killingworth or any proprietors of land in Durham that are inhabitants of Killinsworth and concerned in the agreement hereafter mentioned,) their heirs, successors and assigns, that tract of land lying and being between the township of Midltowne and the townships of Gilford and Killinworth and the township of Haddum and the township of Wallingford, the said tract of land being bounded [33] as followeth: to the east || or eastwardly by the township of Haddum aforesaid, to the west or westwardly by the township of Wallingford aforesaid, to the north or northwardly by the township of Midltowne aforesaid, to the south or southwardly by the townships of Gilford and Killinsworth; together with all and singular rights, priviledges, profits, members, and timber, timber trees, wood, underwood, mines, minerals, (reserving only the fift part of the silver and gold oar to her Majestie,) stones, quarries, waters, water courses, and all other appurtenances thereon or thereunto belonging, or in any wise thereunto apperteining, to be by the major part of the said inhabitants and proprietors (excepting as above expressed,) granted and disposed of, not prejudicing former grants of farms unto particular persons, particularly not to prejudice the farms formerly laid out to Sam[ll] Willis, Esq[r], Mr. Sam[ll] Tallcott, and Mr. John Whiting, as they were lately surveyed anew by Will. Thomson, surveyor of the countie of Newhaven, October the 17th, 1704, which said farms are hereby saved to the said original grantees or those that now claim under them, all the owners of the aforementioned farms within the said township to allow necessary highways through said farms; also not prejudicing articles of an agreement made and concluded January the 29th, 170$\frac{7}{8}$, by committees impowered by the said towns of Killingworth and Durham. Also this Assembly doth grant unto the said inhabitants, viz. unto those of them which are or shall hereafter be qualified according to law, annually, (being regularly called together,) the libertie of choosing their own ordinary officers, as fully and amply as any town in this Colonie of Connecticutt, and the said officers being so chosen and qualified according to law shall have power to act within their own precincts as fully and amply as officers in any town in this Colonie. And this Assembly doth also order that the abovesaid persons shall for themselves and the rest of the inhabitants in the said township of Durham, their heirs, successors and assigns as abovesaid, shall have a

patent for the more full and ample confirmation of the said tract of land together with all and singular the rights and privileges thereon or thereunto belonging, as above is mentioned; the said patent to be signed by the honourable the Governour and Secretary, in the name and behalf of the Governour and Company.

Constables to collect ministers salleries, in case, &c.

It is ordered and enacted by this Court and the authoritie thereof, That if any minister within this government, settled, or that shall be settled therein according to the law for the settlement of ministers, shall seasonably any year by a signification under his hand manifest his desire to the treasurer of the Colonie that the maintenance which the town is to pay such minister may be inserted into the countrie rate, and paid by the order of the treasurer: the treasurer upon such signification to him made shall, in his warrant to the constable of said town for the gathering of the countrie rate, add so much more on the pound as will amount to the said maintenance, and the whole shall be gathered by the constable into the countrie treasury as other countrie rates; and the treasurer shall give order for the said maintenance to be duly paid to the said minister, any former law or usage to the contrary notwithstanding. Always provided, that where there is two ministers in one town, such town shall be exempted.

Act concerning Dissenters from the way of worship here established by law.

And it is further enacted, for the ease of such as soberly dissent from the way of worship and ministrie established by the antient laws of this government, and still continuing, That if any such persons shall at the countie court of that countie they belong to, qualifie themselves according to an act made in the first year of the [34] late King || William and Queen Mary, granting libertie of worshipping God in a way separate from that which is by law established, they shall enjoy the same libertie and privilcdge in any place within this Colonie, without any let, hindrance and molestation whatsoever. Provided always, that nothing herein shall be construed to the prejudice of the rights and priviledges of the churches as by law established in this government, or to the excusing any person from paying any such minister or town dues, as are now, or shall hereafter be due from them.

And it is also hereby enacted, That if any person shall after the publication of this act, come to any church or congregation, either established by the laws of this Colonie or allowed by this act, and disquiet and disturb the same, or misuse any preacher or teacher, such person or persons upon proof thereof

before any assistant or justice of peace by two or more sufficient witnesses, (as the aforesaid statute provides in such case,) shall find two sufficient sureties to be bound by recognizance in the penal sum of fiftie pounds for his appearance at the next countie court to be held in the countie where the said offence is committed, and in default of such sureties shall be committed to prison, there to remain till the said countie court, and upon the conviction of the said offence at the said countie court, shall suffer the pain and penaltie of twentie pounds (the penaltie in the said statute for such offender,) to the treasury in this Colonie.

Ordered by this Assembly, That the town of Durham do belong to the countie of Newhaven.

This Assembly upon the motion and desire of the inhabitants of Newlondon and the arguments by them insisted upon, do grant to the said inhabitants one hundred pounds in pay out of the next countrie rate, towards the settling of a minister there.

Act to invigorate church discipline.

This Assembly, from their own observation and from the complaint of many others, being made sensible of the defects of the discipline of the churches of this government, arising from the want of a more explicite asserting the rules given for that end in the holy scriptures, from which would arise a firm establishment amongst ourselves, a good and regular issue in cases subject to ecclesiastical discipline, glory to Christ our head, and edification to his members, hath seen fit to ordein and require, and it is by authoritie of the same ordeined and required, that the ministers of the churches in the several counties of this government shall meet together at their respective countie towns, with such messengers as the churches to which they belong shall see cause to send with them, on the last Monday in June next, there to consider and agree upon those methods and rules for the management of ecclesiastical discipline which by them shall be judged agreeable and conformable to the word of God, and shall at the same meeting appoint two or more of their number to be their delegates, who shall all meet together at Saybrook, at the next Commencement to be held there, where they shall compare the results of the ministers of the several counties, and out of and from them to draw a form of ecclesiastical discipline which by two or more persons delegated by them shall be offered to this Court at their sessions at Newhaven in October next, to be considered of and confirmed by them, and that the expence of the above

mentioned meetings be defrayed out of the publick treasury of this Colonie.

Whereas divers rude and evil minded persons for the sake of filthie lucre do frequently receive from Indians, malattoes and negro servants, money and goods stolen or obteined by other indirect and unlawful means, thereby incouraging such servants to steal from their masters and others: for redress whereof,

[35] *Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authoritie of the same*, That every free person whomsoever, which shall presume either openly or privately to buy or receive of or from any Indian, molato or negro servant or slave, any goods, money, merchandize, wares, or provisions, without order from the master or mistress of such servant or slave, every person so offending and being thereof convicted, shall be sentenced to restore all such money, goods, wares, merchandizes, or provisions, unto the partie injured, in specie, (if not altered,) and also forfeit to the partie double the value thereof over and above, or treble the value where the same are disposed of or made away. And if the person so offending be unable, or shall not make restitution as awarded, then to be openly whipt with so many stripes (not exceeding twentie,) as the court or justices that have cognizance of such offence shall order, or make satisfaction by service. And the Indian, negro, or molatto servant or slave, of or from whom such goods, money, wares, merchandizes or provisions shall be received or bought, if it appear to be stolen, or that shall steal any money, goods, or chattells, and be thereof convicted, although the buyer or receiver be not found, shall be punished by whipping not exceeding thirtie stripes, and the money, goods or chattels shall be restored to the partie injured, if it be found. And every assistant and justice of peace in the countie where such offence is committed, is hereby authorized to hear and determine all offences against this law, provided the damage exceed not the sum of fortie shillings.

Act for the punishment of those that receive money from negroes, &c.

And whereas negro and molatto servants or slaves are become numerous in some parts of this Colonie, and are very apt to be turbulent, and often quarrelling with white people to the great disturbance of the peace:

It is therefore ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authoritie of the same, That if any negro or malatto servant or slave disturb the peace, or shall offer to strike any white per-

son, and be thereof convicted, such negro or molatto servant or slave shall be punished by whipping, at the discretion of the court, assistant, or justice of the peace that shall have cognizance thereof, not exceeding thirtie stripes for one offence.

Allowed by this Court to Captain Thomas Hart, Lt. John Stanly, Jonathan Smith and Capt. John Hart, atturnies for the town of Farmington, for cost of their attendance at this Assembly upon the citation of the proprietors, inhabitants of Midltowne, is thirtie shillings in pay and three shillings and six pence in money.

This Assembly grants a levie on all the particular proprieties of lands situate within the township of Durham, towards the defraying of publick ministerial charges in the said township.

1st. That the farms laid out and situate on the northwest part and southwest part of said bounds of Durham, (namely the farms formerly granted and surveyed to Major Nash of Newhaven, and Mr. Pierson of Kilinsworth,) be assessed at one pennie per acre by the year for the space of four years next ensuing the date hereof.

2ly. That all the remainder of particular impropriations be assessed at two pence per acre for the four ensuing years of the date hereof, this act having no reference to the proprietie of the town of Killingsworth notwithstanding.

[36] Capt John Wakeman of Fairfield being disabled by bodily illness to attend the service of commanding the train-band in Fairfield, in the place of captain, this Assembly doth release him from that service and establish his brother, Joseph Wakeman, to be captain of that company.

Act concerning deputies allowance.

It is ordered and enacted by this Assembly, That for the future each representative of the several towns within this Colonie shall be allowed for their several travails post wages, and for their attendance at the several general sessions by the day as is already stated, any former law or custom to the contrary notwithstanding.

Ordered and enacted, voted and concluded by this Assembly, That the Council assigned to assist the Governour, or in his absence the Deputy Governour, in the intervale of the Assembly, shall consist of two of the Assistants at the least and four able, judicious freemen, such as the Governour, or in his absence the Deputy Governour, shall call to Council; who shall have power in the intervale of the General Assembly to manage the affairs of this Colonie, according to charter; they not

to raise men to send out of the Colonie, unless in case of exigence, nor to raise money.

Ordered by this Assembly, That Major William Whiting shall make an equal division of the trainbands in Hartford, (if it be not already made,) and to state their limits according to law.

Ordered, enacted and concluded by this Assembly, upon the petition of several inhabitants of Lebanon, representing their want of a minister, That the reverend elders of the countie of Newlondon, who are appointed by this Court to meet at Newlondon the last Munday of June next ensuing the sessions of this Court, shall take effectual care to invite and call a person to officiate in the work of the ministry there if they are not provided with one before. And the person whom they shall so call to that service, and who shall attend the same, shall be the minister of the said town, and as such be maintained and supported in that service, till they do agree to call and settle a minister among themselves.

Several of the inhabitants of Stratford laying before the Governour and Council at Newhaven in October last, the sorrowful circumstances of their town with reference to their differences and difficulties about settling a minister, and the method then proposed by the Governour and Council for their relief not being attended, and their unhappy difficulties in that regard still continuing:

It is ordered and enacted by this Assembly, That the elders of the countie of Fairfield who are appointed to meet at Fairfield the last Munday of June next ensuing the sessions of this Court, shall take effectual care to invite and call some suitable person to officiate in the work of the ministrie there. And the person whom they shall so call to that service, and who shall attend the same, shall be the minister of the said town and as such [37] || be maintained and supported in the service of the said town according to the laws of this government, till they do agree to call and settle a minister among themselves.

Whereas defamation and slander is a growing evil amongst us:

It is therefore ordered and enacted by the Governour, Council and Representatives, and be it enacted by the authoritie of the same, That whosoever shall defame or slander any person or persons whatsoever, and be legally convicted thereof before any court in this Colonie, shall pay the sum of fiftie shillings as a fine to the publick treasury of the countie where such offence is committed; and the person or persons slandred shall have such

Act for the punishment of defamers and slanderers, &c.

costs and damages as the court and jury that have cognizance of said case shall judge to be reasonable and just, any law or custom to the contrary notwithstanding.

This Assembly grants to the petitioners hereafter named, that all that tract of land lying on the west side of Stratford or Potatuck River, bounded easterly on Stratford and part of Fairfield, westerly upon Danbury and a line running from the southeast corner of Danbury, paralell to the east line of said town, to Fairfield bounds, northerly upon Newmilford purchase and Potatuck River, shall be one intire town, called by the name of Newtowne; and do appoint and impower Joseph Curtis of Stratford, Esq^r, Capt. Joseph Wakeman of Fairfield, Mr. John Sherman of Woodbury, and Mr. Thomas Taylor of Danbury, a committee to survey the said tract of land, and consider what number of inhabitants the said tract of land will conveniently accommodate, and accordingly determine where the town plot shall be, and lay out a suitable number of home-lots, and order all the prudentials of the said town until such time as the General Court shall order otherwise. All the charge the said committee shall be at, to be paid by the said petitioners or such of them as shall take up the said land according to the conditions hereinafter exprest. This Court do also grant to the said petitioners that each one of them shall have for himself, his heirs and assigns forever, an equal part and proportion of all the common land within the said tract not already taken up according to former grant from this government, the proportion to be made according to the number the said committee shall appoint and determine the whole tract will accommodate; alwayes provided the said petitioners shall and do by themselves or their assignes enter upon the said land within four years after this sessions, and continue to dwell as inhabitants there at least four years; and if any of the said petitioners shall not so enter and continue upon the said land, it shall be in the power of the General Court to admit others in their stead, and so many more as the said tract of land will suitably accommodate. This Court do also grant to the said petitioners free libertie to purchase for the use of the said town any part or parcel of the said tract of land that may be claimed by the Indians; and the several persons that have already taken up any quantitie of land within the said tract of land according to former grant from this government, shall have a right and priviledge as the rest of the inhabitants of the said town, at all times, in all the lands that shall lie common within the said town, in proportion according to the quantitie of land they have so taken up.

The names of the petitioners for the land before granted fol-
[38] lowes, || viz: Joseph Curtis, James Judson, Sam[ll] Hawly, John Read, John Burr, Theophilus Hull, John Minor, Benjamin Sherman, Josiah Curtis, Daniel Burr, jun[r], Daniel Curtis, Richard Hubbel, jun[r], John Judson, John Sely, jun[r], Daniel Beardsly, Joseph Fairchild, Benjamin Hurd, Benjamin Nichols, Peleg Burrit, John Griffin, Thomas Sharp, Dunning of Stratford, Daniel Beardsly, sen[r], Zechariah Ferris, Will. Mallerie, Sam[ll] Hubbel, jun[r], Jonathan Booth, John Hawly, David Whitlock, jun[r], John Glover, Daniel Foot, jun[r], Abraham Kimberly, Benjamin Peat, Dan[ll] Burr, sen[r], Mr. Richard Brians heirs, Sam[ll] Eels.

Act for excise and impost.

It is ordered and enacted by this Court and the authoritie thereof, That there shall be paid to the publick treasurie of this Colonie, for the support of the government therein, and for defraying the incident charges thereof, an excise upon all wines, brandy, rum and other distilled liquors, cyder and metheglin, that shall be sold by retail in any town or place in this Colonie, by those that shall retail the same, in manner and form as is hereafter expressed, that is to say, for all wine, rhum, brandy and distilled liquors, four pence per gallon; for all cyder, twelve pence per barrel; for all metheglin, two pence per gallon, all in currant money of this Colonie, and after that rate for any greater or lesser quantities.

And for the due and orderly collecting and receiving of the excise aforesaid: *It is hereby further ordered by the authoritie aforesaid,* That all retailers of rhum, brandy and other distilled liquors, wine, cyder and metheglin, within this Colonie, having any of the said liquors in their respective houses or elsewhere belonging to them at the time of publishing this act, shall make due entrie and pay the duties aforesaid for the same as is herein before mentioned, and upon their further receit and purchase of all or any of the liquors before mentioned, shall within twentie four hours after the receit or purchase thereof make entrie with such persons as are appointed to receive and collect the same, and pay the duties aforesaid, under the penaltie of the forfeiture of such strong drink or liquors, as shall be found in any retailers house, not being duely entred and the excise paid as aforesaid. And it shall and may be lawful for the officers appointed to enter into any retailers house in the day time so often as they shall think fit, or into any retailers cellar or warehouse to search for any such wines or liquors, cyder or metheglin, as are not duely entred nor the excise paid for the same, and such wine and strong drink to seize and secure in order to a trial: Provided alwayes that it shall be in

the power of the officers appointed to agree with any retailers for the excise for one whole year, and to receive it quarterly as they in their discretion shall think fit to agree.

It is further enacted by the authoritie aforesaid, That there shall be paid by the importer of all wine, rhum, brandy, or other distilled liquors that shall be brought in and landed in any part or port in this Colonie (*except such as shall be brought directly from the countries where they are raised,*)* the duty or impost following, that is to say, fiftie shillings for every pipe of wine, and fiftie shillings for every hogshead of rhum, brandy or other distilled liquors, in currant money of this Colonie, and proportionably for greater and lesser quantities, to be paid be-
[39] fore the landing of such liquors to the naval officers || who are hereby appointed to receive the same, under the penaltie of the forfeiture of all such wine, rhum, brandy or other distilled liquors, as shall be brought into and landed in this Colonie contrary to the true intent and meaning of this act.

And it is further enacted, That there shall be one fit person in each countie of this Colonie, nominated and appointed by the countie court of the respective counties, to be the collector or receiver of the said dutie of excise, and to have the general inspection, care and management of that office, and of whatsoever relates thereunto, within said respective countie, with authoritie to nominate, imploy and impower such and so many officers under him as he shall think necessary for the collecting and receiving the duties of excise aforesaid within the countie for which he shall be appointed. And the said officers and all other officers under them, before their entring upon the execution of their respective offices, shall be sworn to deal truly and faithfully therein. And the said officers appointed by the countie court shall keep fair books of all duties of excise arising by virtue of this act, and pay in all such money as shall be in their hands unto the treasurer of this Colonie as he shall demand it. And the said officers for their labour, care and expences in the said office, shall have the sum of two shillings on the pound for all such sum and sums as shall be collected and received by them respectively by virtue of this act for excise, and one shilling upon the pound for impost.

And it is further enacted, That the said officers appointed to receive the excise and impost abovesaid, shall have full power by themselves or their lawful substitutes to seize all such liquors as shall not be entred by retailers or importers, before in this act exprest; and such as shall be landed without paying impost according to the intent of the above act, and bring

* *In the margin.*—Rased out by order of both houses.

the same in behalf of the Colonie to tryal at the next countie court in the said countie after such seizure, and prosecute the same from court to court till the case be ended. And the one half of all forfeitures arising by virtue of this act to be and belong to the complainer, and the other half to the treasury of the Colonie.

Always provided, That if any liquors which are by this act to pay impost shall afterwards be exported to any other plantation or government, the exporter of the same shall be repaid by the officer that received the impost of the said liquors, excepting only the officers part of the said duty.

Whereas there hath been divers outrages committed by some of the inhabitants of Suffield and Enfield, on several of the inhabitants of the towns of Windzor and Symsbury, seizing sundry barrels of turpentine within the aforesaid townships of Windzor and Symsbury, and belonging to the inhabitants of the said towns, and imprisoning divers persons belonging to this government, carrying away in a violent and unlawful manner several barrels of the aforesaid turpentine, and destroying the estate or effects of the labour of the inhabitants of the towns of Windzor and Symsbury and others belonging to this government:

This Assembly, being desirous to prevent any such injuries and differences for the future by a fair and just settling the boundarie or line between this Colonie and the Province of the Massachusetts, after their heretofore many fruitless and chargeable indevours with the government of the aforesaid Province to obtein a settlement of the same,

Do enact, and it is hereby enacted by the Governour, Council and Representatives, in General Court assembled, and by the authoritie of the same, That there shall be Commissioners appointed by the Governour and Council of this Colonie for the running of the dividend line between this Colonie and the Province of the Massachusetts Bay, who shall be fully impowered to act in the behalf of this Colonie, with such Com-
[40] missioners as shall be appointed by the || said Province for the same service, who shall take care that the said dividend line shall be run by skillful artists with good instruments, beginning or taking their rise and station three miles to the southward of the south part of Charles River, at the place where Mr. James Tayler and the commissioners of this goverment, (for the same end formerly appointed,) began the said line in the year 1702, and run from the said first place or station a due west line, causing certain marks to be made or monuments to be set up in the said line to be hereafter care-

fully refreshed and preserved, for the preventing of all such controversies as may hereafter arise for the want of a due stating and fixing the said line of division between the governments.

And it is hereby also provided and enacted, That upon the running and stating of the line between this Colonie and the aforesaid Province, according to the method proposed in this act, that all such grants of land to towns or particular persons made by either governments as are the antientest shall be held and deemed to make a good title to the said towns or particular persons of the land so granted to them, into whichsoever government it shall fall by the aforementioned stating or fixing the boundaries between the said governments, colonies or provinces.

And it is further enacted and ordeined by the authoritie aforesaid, That this proposal to settle the said line in the manner aforesaid shall be made to the General Assembly of the aforesaid Province, at their next sessions, and immediately prosecuted, if they shall see good to agree with this Assembly therein.

And for the preventing of all manner of injuries, quarrels and contentions between the inhabitants of this Colonie and the inhabitants of the aforesaid Province, respecting any lands in controversie between them for want of the said line being settled, and particularly respecting the lands claimed by the towns of Windzor and Symsbury within this government, and claimed also by the towns of Suffield and Enfield, in the aforesaid Province, as within the government of the Massachusetts, until the aforesaid line shall be run and fixed, and therby it shall be determined whether the said lands controverted are truely within the bounds of this Colonie or the Massachusetts Province:

It is hereby enacted, That no person whatsoever shall presume to make any new improvement upon the said controverted lands, by cutting or boring any pine trees, drawing of turpentine, until the said line shall be run and fixed, upon the penaltie of ten shillings for every pine so tapped or cut for the drawing of turpentine, to be recovered by the complainer in any of the courts within this government; wherein the partie so transgressing shall be, and is hereby barred of justifying the trespass so complained of, by pleading right or title to the land where the said act of trespass is committed. And that the turpentine be drawn out of the trees already boxed, and be put into the care of persons indifferent till the line be run as abovesaid, in order to its being afterwards disposed of to those to whom of right it shall belong.

And it is also further enacted, That all actions now depending in any of her Majesties courts within this government [41] against any persons whatsoever, || for any actions done by them on the said controverted land, shall be continued by adjournment until the countie court to be held in Hartford on the first Tuesday in September next, and then cease and determine.

Provided always, That the General Assembly in her Majesties Province of the Massachusetts Bay shall, for the preventing of the like injuries and quarrels and contentions, in their next sessions or assembly provide and ordain that the method proposed in this act in the several parts of it shall be in equal force within their government until the settling of the line aforesaid: otherwise the aforesaid continued actions shall proceed at the aforesaid countie court in all things fully and amply, and all bonds, recognizances, or other obligations whatseever relating to said actions, shall remain in full force and virtue. Provided also that if the said General Assembly in her Majesties Province of the Massachusetts Bay shall not agree to the settling of the aforesaid line in the way expressed in this act, and that with as much speed as may be, nothing in this act shall be construed to the prejudice of this government or of their claim to have the said dividend line to begin in a point to the northward of that place where Mr. James Tayler and the commissioners of this government agreed to take their first station as abovementioned. And that her sacred Majestie be addressed, that the said dividend line be found and run according to the grant in the letters pattents made to the Governour and Company of the Massachusetts Colonie, bearing date the nineteenth of March, in the third year of King Charles the first, by skilfull artists in the presence of commissioners on the part of both governments.

This Assembly grants a township to the eastward of Woodstock and a pattent thereof; the bounds whereof to be northerly on the line of the Massachusetts Province (it being by estimation about) five miles from the line between this Colonie and the Colonie of Roade Island and the river called Assawaug; easterly on the said line between the said Colonies; southerly partly on the northern boundary of Plainfield, and partly on a line to be continued east from the northeast corner bounds of Plainfield to the said line between the said Colonies; the said northern boundary of Plainfield being settled by order of the General Court, May the 11th, 1699, and westerly on the aforesaid river; the said township being by esti-

mation about eight or nine miles in length and five or six miles in breadth, be the same more or less.

Always provided, That no person now inhabiting on said land, or any other persons dwelling without this colonie who have purchased any lands within the said township, that shall not give due obedience to all the laws of this colonie for the upholding the worship of God, and paying of all publick charges, shall have no benefit by this act. And provided also, that no township nor any persons who have heretofore had any lands lying within the said township granted to him and legally laid out, shall be any ways prejudiced by this act nor any part thereof. And this Assembly desires the Hon^{bl} Governour to commissionate Lt. Aspinall or some other suitable [42] || person to train and command the souldiers in the said township, and to give a name to the said town, and also appoint the figure of a brand for their horses. It is also desired that the Hon^{bl} Governour, Maj. Fitch, and Mr. Richard Cristophers, or any two of them, shall give advice and direction for the calling and settling of a minister in the said town as need shall require.

And this Assembly grants to the Governour two hundred acres of land within the said township, provided he take it up where it may not prejudice any former grants.

And it also provided, that what countrie lands lye within the aforesaid tract granted to be a township not already laid out, those that have countrie grants have libertie to take them up, provided they do it within one year next coming.

Capt. John Chandler is appointed to bound out the said lands.

And this Assembly leaves it to the Hon^{bl} the Governour, with the Secretary, to sign a pattent unto Coll. Robert Treat, Maj. James Fitch, Capt. Daniel Wetherel, Mr. Joseph Hains, Mr. Sam^{ll} Andrew, Mr. George Denison, Mr. James Dalison, David Jacobs, Sam^{ll} Randall, Peter Aspinall, Joseph Cady, in behalf of the rest of the proprietors; provided it wrong no person or persons just and legal rights.

This Assembly grants to our Hon^{bl} Governour eighty pounds in pay, to be paid out of the present countrie rate if it be to be had, if not, then to be paid out of the next countrie rate.

This Court do recommend to the ministers of the gospel in the several plantations within this government, that in their respective plantations whereunto they belong they do annually preach unto the freemen thereof, on the day of election as in the law stated, a sermon proper for direction in the choice of

civil rulers, that being the proper work of the said day; and that a signification hereof be sent by the secretary to the reverend ministers, at their respective countie meetings on the last Munday in June next ensuing the present session of this Assembly.

This Assembly having heard Abigail Thomson, a prisoner condemned by the court of assistants holden in Hartford, the second day of May, Anno Domini, 1706, to suffer the pains of death, by her council offering reasons against the sentence of the said court being executed upon her, do upon the consideration of the said reasons conclude, that seeing the case of the said prisoner is attended with great difficultie, the court will take further time to advise thereupon, until the General Assembly in October next. And this Court desire the Governour to procure the best advice that may be had in the case against the said next General Assembly.

This Assembly grants to Capt. Sam[ll] Eels fortie shillings in pay, for his good service as Speaker this sessions.

At the same time granted to Richard Bushnell, Clerk, thirtie shillings in pay. At the same time granted to the consta- [43] bles three shillings and six || pence per day in pay, for their attendance upon the Lower House, viz: to Thomas Butler three shillings and six pence per day in pay for ten days attendance, to Sam[ll] Webster three shillings and six pence per day for three days.

Justices of the Peace and Quorum appointed by this Assembly in the countie of Hartford are, Lt. Joseph Tallcott, Mr. Richard Lord, Mr. John Eliot, Capt. Mathew Allin, Capt. Robert Wells, Mr. John Hooker. Justices of the Peace appointed by this Assembly in the same countie are, Lt. James Treat, Capt. Nathan[ll] White, Capt. Thomas Hart, Capt. John Higly, Mr. Thomas Jud, Capt. John Chapman, Eleazar Kimberly, Mr. Josh. Riply, Mr. John More, Lt. James Wells.

Justices of the Peace and Quorum appointed by this Assembly in the countie of New Haven: Mr. William Malbie, Capt. Thomas Clarke, Capt. Sam[ll] Eels, Capt. Nathan Andrews, Capt. Abraham Fowler, Lt. Joseph Treat. Justices of the Peace appointed in the same countie: Abraham Bradlye, John Hall.

Justices of the Peace appointed and of the Quorum in the countie of Newlondon: Mr. Ephraim Minor, Mr. Nehemiah Smith, Capt. Richard Bushnell, Capt. William Ely, Mr. Nathan[ll] Lynde, Mr. Dan[ll] Tayler. Justices of the Peace appointed in the same countie: Capt. Nathan[ll] Cheesbrough,

Capt. James Morgan, Capt. Benja[n] Brewster, Mr. William Clarke, Mr. Samuel Buel, justice of peace.

Justices of the Peace and Quorum appointed in the countie of Fairfield: Capt. John Wakeman, Capt. Mathew Sherwood, Capt. James Olmstid, Capt. James Judson, Capt. John Minor, Capt. Jonath. Sellick, Mr. Jn[o] Sherman. Justices of the Peace appointed in the countie of Fairfield: Deacon Sam[ll] Hayt, Mr. James Beebe, Mr. Sam[ll] Peck, Mr. Ebenez[r] Mead.

Eleazar Kimberly, Esq[r], is appointed to be Judge of the Countie Court and Court of Probates in the countie of Hartford.

Peter Burr, Esq[r], is appointed Judge of the Countie Court in the countie of Fairfield. The Hon[bl] Deputy Governour is appointed to be Judge of the Court of Probates in Fairfield countie.

Capt. Dan[ll] Wetherel is appointed Judge of the Countie Court and Court of Probates in the countie of Newlondon.

John Allin, Esq[r], is by this Assembly appointed Judge of the Countie Court and Court of Probates in the countie of Newhaven.

This Assembly grants libertie to the trainband in the town of Lebanon to proceed to a new choice of officers, viz: Captain, Lieutenant, and Ensign.

This Assembly, upon the desire and motion of Lt. Sam[ll] Howard, being under great indisposition of body and thereby rendered uncapable of service in the post of Lieutenant, do grant him libertie to lay down his commission.

Auditors appointed by this Assembly are, Mr. John Eliott for Hartford, Mr. John Alling for Newhaven, Mr. Richard Cristophers for Newlondon, Mr. Elisha Holly for Fairfield.

Allowed to Saybrook men for cost of attendance at this Assembly upon the citation of the inhabitants of Haddum, one pound fourteen shillings and six pence.

Ordered and enacted by this Court and the authoritie thereof, That all such actions as are or may be depending by review or appeal at the court of assistants at Newhaven, which before the sessions of this Assembly was [44] by || law to be holden on the first Thursday in October next, shall be brought and entred at the court of assistants at Newhaven, which, by a law made in the present sessions, is appointed to be held on Tuesday before the aforesaid first Thursday in October; and all persons concerned therein are required to take notice thereof and conform themselves.

Act concerning actions depending by review in the court of assistants in Newhaven.

Eleazar Kimberly, Esq^r, is by this Assembly appointed Judge of the Countie Court and Court of Probates in the countie of Hartford.

This Assembly, upon the petition of Jacob Root and the rest of the inhabitants of the town of Hebron, do grant to them the priviledges of a town, that they may choose town officers and be enabled to raise money for civil and religious uses.*

Whereas it is found by experience that the late law, relating to fence reviewers, made in October, 1704, impowering fence viewers to impose fines for defective fence, as in the manuscripts, doth not answer the end designed, viz., securing the common fields:

Act concerning fence viewers.

It is therefore ordered and enacted by this Court, That the aforesaid law be repealed, and it is hereby made void. And it is also ordered and enacted by this Court, that the whole of the laws for fence viewing, as they are standing in the print, in all and every part, is hereby revived, and shall be of full force, any law, usage, or custom to the contrary notwithstanding.

Ordered and enacted by this Court and the authority thereof, That the Treasurer shall send forth his warrants as well for the levying that part that belongs to the listers, upon the additions they make to the list, according to law, as that which belongs to the colony, and order the constables to pay the same to the listers, and make up accounts with the constables for it, as the rest of the rate.

The whole Record of the several Acts, Graunts and Orders of this Assembly, as they stand in the pages of this book next preceding, was read in the presence of both Houses, and ordered to be signed by the Secretary as compleat and perfect.

Elwazar Kimberly Godrys

* The remainder of the record of this session is in the handwriting of Governor Saltonstall; and from the close of this session to the close of the session in November, 1711, the record is in the handwriting of Caleb Stanly, jun.

[45] At a Council holden at Hartford, in her Majesties Colony of Connecticutt, May the 19th, 1708.

Major Edward Palmes, Esq^{r}, exhibited at this board an order from her Majestie in Council, bearing date the 29th day of April, annoque Dom., 1707, requiring the Governour, Council, Judges, and others, who usually grant letters of administration in the several Colonys of Connecticut, Massachusetts Bay, Rhoad Island, and New York, to grant the said Edward Palmes administration to his late wife Lucy, one of the daughters of John Winthrop, Esq^{r}, deceased.

Her Majesties order was read in Council.

Ordered by the Hon^{ble} the Governour and Council, that an attested copie of her Majesties said order be lodged in the office of record of the Council.

At a Council holden at Hartford, in her Majesties Colony of Connecticutt, May the 28th, 1708.

Ordered by the Hon^{bl} the Governour and Council, That Nathanael Stanly, Esq^{r}, John Haynes, Esq^{r}, and Eleazar Kimberly, Esq^{r}, or any two of them, do view the records of the acts of the court of assistants, which have been lately drawn into the books of the records of that court by Caleb Stanly, jun^{r}, of Hartford, by the desire of the late Hon^{bl} Governour Winthrop, deceased, (and which Colonel Allyn, late secretary, neglected to do,) and sign an order to the treasurer of this colony to pay the said Caleb Stanly for his labour and pains therein, out of the colony treasury.

And also that the said gentlemen do consider the trouble and charge that Mr. Ichabod Wells, sheriff of the county of Hartford, hath been at, in order to the execution of Abigail Tompson the prisoner, and to sign an order to the treasurer to pay him a just satisfaction for the same out of the colony treasury.

And also that the same gentlemen do reckon and adjust the colonys accompts with Capt. Williamson, and sign an order to the treasurer to pay him what is due to him.

[46] A General Assembly holden at Newhaven, in her Majesties Colony of Connecticutt in New England, on the 14th day of October, in the seventh year of the reign of our sovereign Lady Anne, Queen of Great Brittain, &c., Annoque Dom., 1708.

Present at this Assembly,

The Honourable Gurdon Saltonstall, Esq^{r}, Governour.
The Honourable Nathan Gold, Esq^{r}, Deputy Governour.

Assistants,

Daniell Wetherell, Esq^{r},
Nathanael Stanly, Esq^{r},
John Hamlin, Esq^{r},
Joseph Curtis, Esq^{r},
Peter Burr, Esq^{r},
Josiah Rossetter, Esq^{r},
Richard Christophers, Esq^{r},
John Alling, Esq^{r},
John Haines, Esq^{r}.

Deputies or Representatives that were present and attended at this Assembly, were as hereafter followeth, viz:

Capt. Aaron Cook, Mr. Joseph Talcott, for Hartford.
Capt. Nathan Andrews, Mr. Abraham Bradly, for Newhaven.
Mr. Thomas Boles, Mr. James Rogers, for Newlondon.
Capt. John Wakeman, Mr. James Bennit, for Fairfield.
Capt. Robert Wells, Capt. Joshua Robins, for Wethersfield.
Capt. Richard Bushnel, Mr. Joseph Beckus, for Norwich.
Mr. William Maltbie, Mr. Edward Barker, for Branford.
Capt. John Minor, Mr. John Sherman, for Woodbury.
Capt. Samuell Hall, Capt. John Merriman, for Wallingford.
Capt. John Higly, Mr. Nath. Holcomb, for Simsbury.
Mr. Nathanael Lynde, Mr. William Parker, for Saybrook.
Capt. James Avery, Lieut. Samuel Fish, for Groton.
Mr. Timothy Stanly, Mr. John Hopkins, for Waterbury.
Mr. John Elliot, Major Mathew Allyn, for Windsor.
Mr. Daniel Brewster, Mr. Caleb Fobes, for Preston.
Capt. John Seward, Mr. James Hooker, for Guilford.
[47] Mr. Michael Tayntor, Mr. Nathanael Loomis, for Colchester.
Mr. James Beebee, Mr. Josiah Starr, for Danbury.
Mr. George Clarke, Mr. Benjamin Fenn, for Milford.
Mr. Joshua Ripley, Mr. Joseph Cary, for Windham.
Mr. Ephraim Minor, Mr. Samuel Stanton, for Stonington.
Mr. John Stanly, Mr. Jonathan Smith, for Farmington.
Capt. Nathanael White, Capt. John Hall, for Middleton.
Mr. Thomas Gutsell, for East Haven.

Mr. Stephen Bishop, Mr. Elisha Holly, for Stanford.
Mr. Thomas Marshall, Mr. Joseph Knap, for Greenwich.
Mr. Thomas Gates, for Haddam.
Capt. John Crane, Mr. John Griswold, for Killingworth.
Mr. John Fellows, Mr. Jacob Warren, for Plainfield.
Mr. William Clarke, Mr. John Sprague, for Lebanon.
Mr. John Betts, Mr. Joseph Platt, for Norwalk.
Mr. Thomas Bradford, Mr. Mathew Griswold, for Lyme.
Capt. James Judson, Mr. Samuel Hawley, for Stratford.
Mr. Thomas Kimberly, Lieut. Samuel Hale, for Glassenbury.

Note that some of the said Deputies, viz: Jn° Minor, Nath. Holcomb, Samuel Stanton, Thomas Marshall, Jacob Warren, were absent, and did not attend at this Court.

John Elliott, Esq^r, Speaker, } of the House of Repre-
Capt. Richard Bushnell, Clerk, } sentatives.

By order of the Honourable the Governour, the gentlemen members of both Houses being met together, the Governour caused several letters to be read before them, that is to say,

A letter from the Right Hon^ble the Lords of the Council of Trade, of the 7th of May, 1707, containing several queries to be answered, directed to the Governour and Company of this Colony.

A letter from Colonel Quarry, of the 20th of August last, (who stiles himself Surveyor General of her Majesties Customs in all the Provinces on the Continent of America,) relating to the naval officers and deputy collectors within this Colony, &c., with a copie (as he says) of a letter from the commissioners of her Majesties customs, at the custom house, London, of the 14th of February, 1705, relating to the said Quarry.

A letter from Mr. Secretary Addington of Boston, of the 26th of July last, relating to the line or boundary between this Colony and the Province of the Massachusetts Bay.

A letter from Mr. John Campbell of Boston, Postmaster, of the 4th instant, directed to the Governour and this Assembly, praying some allowance of money to be made him from this Colony, and proposing to settle a constant post between the towns of Hartford and Saybrook.

A letter or writing from Mr. Benjamin Lynde, of the 28th of July last, directed to the Governour, on the behalf of himself and the rest of the proprietors of the Narragansett country, asserting their claim to that part of the same lying within this Colony.

Which several letters being read, his honour the Governour recommended the consideration of them to this Assembly.

His Honour the Governour now also declared to both Houses of this Assembly, the acts and doings of his Honour and the Council, from the session of this Assembly in May last to this time; and read a declaration of the manner of his honours division of the trainbands in the town of Stoningtown, pursuant to the order or act of this Assembly in May last past; and recommended several other matters and things of publick concernment to the consideration of both Houses of this Assembly.

[48] This Assembly do establish and confirm Joseph Smith, senior, of Glassenbury, to be Lieutenant of the trainband in that town.

This Assembly do establish and confirm Mr. David Sherman to be Lieutenant, and Mr. Samuell Hubbell to be Ensign of the trainband in the village of Stratfield.

This Assembly do establish and confirm Mr. John Crane to be Captain, Mr. Samuel Buell, jun^{r}, to be Lieutenant, and Samuell Steevens to be Ensign of the company or trainband in the town of Killingsworth.

This Assembly do establish and confirm Mr. Joseph Treat to be Captain, Mr. Benjamin Fenn to be Lieutenant, and Mr. Jonathan Law to be Ensign of the first company or trainband in the town of Milford.

This Assembly do establish and confirm Mr. James Steele to be Lieutenant, and Mr. Benjamin Graham to be Ensign of the second company or train-band on the south side the riveret in Hartford.

Upon the petition of several farmers dwelling at and near a place called Nahantick, within the town of Lyme: this Court do allow the said farmers to be a distinct military company or train-band from the rest of that town, and also to choose their own military officers amongst themselves. Provided always, notwithstanding, that the power of setting and fixing the bounds and limits of the said military company of farmers shall be in the Governour of this Colony, and be done and performed at their own proper cost and charges.

This Assembly do establish and confirm Mr. Samuel Griswold to be Captain, Mr. Joseph Beckas to be Lieutenant, and Mr. Thomas Waterman to be Ensign, of the westermost or second company of trained souldiers in the town of Norwich.

This Assembly do establish and confirm Captain Richard Bushnell to be Captain, Lieutenant Sollomon Tracy to be Lieutenant, and Ensign Thomas Leffingwell to be Ensign of the eastermost or first company of trained souldiers in the town of Norwich.

This Assembly do establish and confirm Mr. William Clark to be Captain, Mr. John Sprague to be Lieutenant, and Mr. Abell Wright to be Ensign of the first company or trainband in the town of Lebanon.

This Assembly do establish and confirm Mr. Jeremiah Fitch to be Captain, Mr. Joseph Bradford to be Lieutenant, and Mr. Samuel Hide to be Ensign of the second company or trainband in the town of Lebanon.

This Assembly do establish and confirm Captain John Clark to be Captain, Mr. John Kirtland to be Lieutenant, and Mr. Thomas Buckingham to be Ensign of the second company or trainband in the town of Saybrook.

Whereas Mr. Thomas Short of Boston, printer, hath now offered to this Court to print all the publick acts of this Colony (and the election sermon if desired,) every year, for four years, to commence at the first day of May next ensuing, and to give a copie for every town or place in the Colony that hath a clerk or register, for the sum of fifty pounds a year in money, or other pay equivalent as stated in the country rate, and to find paper for the same; and also to find paper and print all orders for fasts and thanksgivings, and proclamations whatsoever, and give a copy for every society in the Colony,—and always to print the acts of the General Court within one month after the receipt of the copie of them, (if not above eight sheets,) and all other publick business immediately upon his receipt of the copy, and to send the printed copies with all convenient speed after they are printed to the several county sheriffs, to be by them conveyed to the towns, places and societys for whom they are,—and also to print our laws which are now in manuscript for twenty shillings a sheet, (and find paper for the same,) in like pay as aforesaid, and to give a copy for every town or place as aforesaid, well folded, sticht and covered with painted paper:—upon consideration whereof,

It is now ordered, enacted and concluded by this Court, That there shall be paid to the said Mr. Thomas Short out of the publick treasury of this Colony by the Treasurer, the sum and sums expressed in his above proposals, for the time therein specified; provided he shall set up a printing press in this Colony, and perform the conditions on his part in the said proposalls expressed.

[49] The gentlemen nominated by the votes of the freemen to stand for election in May next, are as followeth, viz. The Honourable Gurdon Saltonstall, Esq^{r}, The Hon^{bl} Nathan Gold, Esq^{r}, Major James Fitch, Nathanael Stanly, Esq^{r}, Daniell Wetherell, Esq^{r}, John Hamlin, Esq^{r}, William Pitkin, Esq^{r},

Major John Chester, Joseph Curtis, Esq^{r}, Josiah Rossetter, Esq^{r}, Richard Christophers, Esq^{r}, Peter Burr, Esq^{r}, John Alling, Esq^{r}, John Haines, Esq^{r}, Capt. Samuel Eells, Major Mathew Allyn, Capt. Abraham Fowler, Mr. John Elliot, Mr. Eleazar Kimberly, and Capt. Jonathan Sellick.

Whereas John Ranny of Middletown, in May last past, by sentence of the General Assembly then setting at Hartford, was bound by two recognizances of one hundred pounds each for his good behaviour until this time: Proclamation was now made in this Assembly, in the usual form, concerning the said John Ranny, and nothing being objected against him, therefore the said John Ranny and his sureties bound for him are now discharged from their said recognizances.

Upon consideration of the petition of John Holly and Jonathan Bates of Stanford, now entred and heard in this Court, relating to the settlement of the estate of Capt. John Sellick, formerly of Stanford, mariner, deceased, and of the pleas of the said petitioners thereupon, and replys thereunto made by Nathanael Sellick of Stanford, only son of the said deceased: This Court do grant that the said petitioners shall have an appeal to the court of assistants to be held at Hartford on Tuesday next preceding the first Thursday of May next, where they shall be heard in what they have to alledge of grievance in the settlement which the court of probates in the county of Fairfield made of the estate of the said Capt. John Sellick, deceased, (excepting only in that point relating to David, late one of the sons of the said deceased, which was determined at the court of assistants in May last past.) Provided, that the said petitioners shall give bond to the clerk of the court of probates in the said county of Fairfield, to prosecute their appeal, and also cite the persons concerned in the said appeal to appear at the said court of assistants, fourteen days before the sessions of the said court, by a warrant from the clerk of the said court of probates, who is hereby impowered to grant the same. And this Court have considered, that the said petitioners shall recover the sum of two pounds and twelve shillings in pay, and eighteen shillings and ten pence in money, of and from the said Nathanael Sellick, for their costs of the said petition and attendance at this court thereupon, and that execution shall be granted for the same accordingly.*

Execution is granted on this judgment, January 4th, 170$\frac{8}{9}$.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the author-

* *In the margin.* Execution is issued forth upon this judgment January 5th, 1708–9.

ity of the same, That upon all payments made of any of the Colony's debts by the Colony Treasurer, or by any of the constables of the several towns in this Colony, the said treasurer and constables shall take receipts of the persons to whom they make such payments, for the sums paid to them.

And it is further enacted by the authority aforesaid, That there shall be appointed but one constable in each town, society or village, within this Colony, to make up the accompts of such town, society or village, of their country rate annually, with the treasurer, and to levy and gather the said country rate of the town, society or village to which he belongs.

The sums of the Lists of the Persons and Estates of the several towns within this Colony, exhibited in this Court, by their Deputies respectively, are as follows, viz.

	l.	*s.*	*Males.*		*l.*	*s.*	*Males.*
Hartford,	20972	17,	300.	Waterbury,	2108	06,	50.
Newhaven,	17326	06,	220.	Glassenbury,	3371	15,	83.
Windsor,	15382	09,	315.	Killingworth,	3538	18,	63.
Milford,	12761	13,	180.	East-haven,	2463	00,	43.
Guilford,	10955	07,	170.	Wethersfield,	14155	02,	250.
New London,	8476	14,	249.	Greenwich,	4615	10,	70.
Wallingford,	7671	00,	132.	Lyme,	7301	10,	140.
[50] Stratf'rd,	12617	06,	134.	Preston,	3656	08,	80.
Norwalk,	8001	10,	115.	Groton,	6838	15,	140.
Colchester,	2497	00,	81.	Saybrook,	7743	08,	147.
Middletown,	9066	01,	172.	Stanford,	8382	00,	110.
Branford,	6053	02,	104.	Windham,	2863	06,	72.
Haddam East,	3142	00,	69.	Norwich,	9333	03,	174.
Haddam West,	2526	02,	55.	Lebanon,	3910	00,	140.
Derby,	2825	00,	50.	Stoningtown,	7112	15,	172.
Fairfield,	14561	14,	160.	Danbury,	2921	09,	63.
Simsbury,	3910	09,	74.	Plainfield,	1890	09,	55.
Woodbury,	3715	12,	86.	Farmington,	7590	00,	150.

See at latter end of this Court additions to the list of some of these towns.

Upon consideration of the petition of Jonathan Biglow junior of Hartford, now entred and heard in this Court, wherein among other things he prays that the act of the court of assistants held at Hartford October 6th, 1698, which made void a certain execution served by the sheriff or marshal of the county of Hartford, on certain lands belonging to the estate of Thomas Greenhill, and delivered to him the said Biglow, may by this Assembly be made and declared to be void; and the replys thereunto made by John and Thomas Shepard of Hartford, administrators on the estate of Serj. John Shepard, late

of said Hartford, deceased: This Court do now declare the said act of the court of assistants not agreeable to law, and therefore is in its self null and void. And this Court do not allow any costs, neither to the petitioner nor to the said John and Thomas Shepard.

Upon the application of Mrs. Mary Edwards of Stratford, administratrix on the estate of her late husband Capt. Thomas Edwards of Stratford deceased, now made to this Court: This Assembly do grant unto her the said Mary Edwards, full power to sell the real estate of her said late husband, Thomas Edwards, or so much thereof as may be thought necessary for the payment of the just debts of the said deceased, with the advice and approbation of Joseph Curtis, Esq^{r}, and Capt. James Judson of Stratford aforesaid; provided that the said Mary Edwards, before she shall make sale of the said estate, or of any part thereof, shall give bond with sufficient sureties (before the court of probates in the county of Fairfield,) for her faithful administration on the said estate.

It is ordered and enacted by the Governour, Councill and Representatives, in General Court assembled, and by the authority of the same, That the second Wednesday of November next shall be religiously observed and kept a day of publick Thanksgiving by all her Majesties subjects within this Colony, and all unnecessary servile labour is forbidden on that day, according to an act of this Assembly now passed, which is on file.

Upon the humble petition of Mr. Caleb Watson of Hartford, and the consideration of his good service done in this Colony: this Assembly do now free and release him from paying country rates from this time forward, during the term of his natural life, for his person and estate whatsoever in Hartford aforesaid.

This Assembly do grant their consent and full liberty to the inhabitants of the town of Durham in this Colony, to imbody themselves into church estate, with the approbation of their neighbouring churches.

Whereas the General Assembly of this Colony, March 13th, 166½, did give and grant unto Capt. Richard Lord of Hartford, three hundred and fifty acres of upland and fifty acres of meadow, and Richard Lord of Hartford, Esq^{r}, (grandson of the said Captain Lord,) having desired Mr. John Chandler to survey and lay out for him the said four hundred acres of land granted as aforesaid, and the said John Chandler having laid out the same, (and exhibited in this court a plat thereof,) in one intire piece, on the east side of Egunck Hill, eastward of the town of Plainfield, and is bounded on the west with a line

called the Mohegan sachems east boundary, and elsewhere upon the Colony's land:—Now therefore, this Court do allow and approve of the said survey of the said four hundred acres of land, provided it doth not prejudice any former grant; and do order that the said Richard Lord, his heirs or assigns, shall have a patent for the said four hundred acres of land, qualified and executed according to the laws of this Colony, for the full confirmation of the same to him and them forever; [51] || provided also it do not prejudice any township or any former grant of this Court.

Whereas the laws of this Colony do oblige the selectmen of each town within the same, (at the charge of the town,) to provide a stock of ammunition for the town, and a stock of arms and ammunition for the poor if need be, and divers other things,

It is therefore ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the selectmen, or the major part of them, in the several respective towns within this Colony, when and as often as there shall be need of a supply of money in the treasury of any town, to provide any of the things aforesaid, by them to be provided, and the inhabitants of the town at any town meeting (whereat such want of a supply is made known to them by their selectmen,) shall refuse or neglect to grant such supply, shall be and are hereby fully authorized and impowered to assess the several inhabitants of their said town, and make a rate upon them, according to the list of the ratable estates of the said inhabitants, for raising such sum or sums as shall be necessary for the providing the several things aforesaid, or any of them, which they shall be accountable for according to the law, title Poor.

And it is hereby further enacted and provided, That all such rates so made by the selectmen, or the major part of them, in any town within this Colony, and delivered to the constable or constables of the said town, with a warrant annexed thereto, and signed by the said selectmen, or major part of them, and directed to the said constable or constables for the gathering of it, shall be a full obligation upon the said constables for the collecting the same, who shall therein observe and follow the direction of the law relating to the gathering or collecting of country rates; and when they have collected the same according to the said warrant, shall pay the said sum or sums to the said selectmen, or the major part of them, or their order for the uses aforesaid, and take receipts of what they pay. And in case the said constables or any of them shall not perform

the trust hereby committed unto them, they shall be accountable and suffer distress as is provided against collectors of rates in the printed law, page 101.

Upon the petition of the trainband in the town of Guilford, this Court do grant and allow to them a liberty to divide themselves into two companies, and to choose their officers needful for them.

This Court do now choose and appoint Mr. John Plumb of New London to be the Surveyor of Lands in and for the county of New London, in the room and stead of Capt. John Prentts, and order that he be sworn accordingly.

Upon consideration of the petition of the inhabitants of the town of Wethersfield, praying this Court to describe and settle the line or boundary between their said town and the town of Farmington,—

It is ordered and enacted by the Governour, Council and Representatives, now in General Court assembled, and by the authority of the same, That a straight line run from the heap of stones at the south west corner of Hartford bounds, on the east side of a boggy meadow, to a certain white oak tree, marked on four sides, standing on rising land about a mile to the south of Mattabesett River, shall be the dividing line between the said two towns, viz. Wethersfield on the east and Farmingtown on the west side of the said line; and that the surveyor of the county of Hartford shall run the said line, and make monuments therein according to law, at the charge of the said town of Wethersfield, they giving seasonable notice thereof to the inhabitants of the said town of Farmingtown. And in case that by running the said straight line from station to station as aforesaid, it shall appear that any mans allotment bordering upon the said line, hath been bettered by any labour or cost bestowed upon it by his bordering neighbour, the owner of [52] such land shall give reasonable satisfaction to his || neighbour for his labour and cost so bestowed, according to the benefit he shall receive thereby, to be valued by indifferent men mutually chosen by the parties concerned therein, or appointed by the county court in the county of Hartford.

And this Court have considered that the said petitioners shall recover the sum of two pounds one shilling and ten pence in money, and three pounds one shilling and four pence in pay, of and from the said town of Farmington, or their selectmen, for the costs of the said petition and attendance at this Court thereupon, and that execution shall be granted for the same accordingly.

This Assembly do establish and confirm Mr. Joseph Cadey of Kellingley to be Lieutenant, and Mr. John Winter to be Ensign of the souldiers or trainband in the said town of Kellingley. And this Court grants liberty to the inhabitants of the said town of Kellingly, to survey and lay out one hundred acres of land within their township, for the use and incouragement of a minister to settle there and carry on the worship of God among them, provided it do not prejudice any former grant of this Court.

Upon consideration of the petition of Joseph Bryan of Milford, now entred and heard in this Court, setting forth that there is a legacy due to him from the estate of his father, Mr. Richard Bryan, formerly of said Milford, deceased, and that there is some lands, debts or other things, part of said estate, (not yet distributed or set out to any of the children,) within this Colony, and that there is no administrator in this Colony of whom he can demand the said legacy: This Court do order and enact, that the court of probates in the county of Newhaven shall grant letters of administration on the estate of the said Richard Bryan, deceased, wheresoever in this Colony, unto the said Joseph Bryan, (taking bond of him as the law requires,) the better to enable him to obtain his said legacy or portion.

This Court do desire the Hon^{bl} the Governour and Secretary, with such other persons as his Hon^{r} shall think fit, to draw and send an answer to the letter received from the Lords of the Council of Trade, of the 7th of May, 1707, as soon as may be.

Upon consideration of the petition of the inhabitants of the town of Canterbury, now presented to this Court: this Court do free and release them from paying any country rate for this present year, excepting so much as the Colony now owes to any of the said inhabitants for any service, matter or thing, which shall be paid by and amongst themselves this year, out of their country rate; provided also, that all the rest of what would have arisen and been due to the Colony by a rate upon a lawfull list of their estates this year be improved by them for the building a meeting house in their town, within one year next coming. And this Court do order that the said inhabitants without fail shall send a true list of their persons and estates according to law to the General Assembly in October next.

Whereas the General Assembly of this Colony, March 27th, 1643, did give and grant to the Hon^{bl} Mr. Haynes, Governour of the said Colony, one thousand acres of land about the Pe-

quot country, and the said General Assembly October 10th, 1672, did appoint Thomas Leffingwell and Thomas Tracy to survey and lay out the same to the children of the said Governour Haynes, according to the said grant, on the east side of Paucatuck River, and the said Leffingwell and Tracy did survey and lay out on the east side said river, five hundred thirty eight acres of land for part thereof, from which the said heirs of the said Governour Haynes are ejected by tryal at law, (as they say.) And whereas John Haynes and Hezekiah Willis of Hartford, gent., pursuant to an act of this Assembly made and passed in May last, constituting the town of Kellingly, have desired Capt. John Chandler to survey and lay out for them (and other the heirs of the said Governour [53] Haynes,) the said thousand acres || of land granted as aforesaid, and he the said John Chandler hath accordingly surveyed and laid out the same in two pieces, on the east side of Queenabaug River within the said town of Killingley, according to a platt thereof exhibited in this Court, that is to say, five hundred acres thereof lying upon a river called Five Mile River, and is bounded therewith on the west, and with the said Colonys land on the east, and with a brook called Whetstone Brook southerly;—and other five hundred acres the residue thereof, lying upon and near to Chesnut Hill, and is bounded on the south with a farm of Mr. Timothy Woodbridge, on the east with the said Colonys land, and mostly with the land of Mr. Treat on the north; which said two pieces of land of five hundred acres each, the said John Chandler as agent for, and by the desire of the said John Haynes and Hezekiah Willis, had pitched upon and taken up for them, on or about the 26th of March, 1707:—Now therefore, this Court do allow, approve and confirm the said surveys made by the said Chandler of the said thousand acres of land lying in two pieces, for the said John Haines and Hezekiah Willis, and do give and grant unto them the said two pieces of land so surveyed and laid out; provided always that the same do not prejudice any former grant of this Court; and do order that the said John Haynes and Hezekiah Willis, with the other heirs of said Governour Haynes, their heirs or assigns, shall have a patent for the same thousand acres of land, qualified and executed according to the law of this Colony, for full confirmation of the same to them forever.

Whereas the General Assembly of this Colony, May 15th, 1662, did give and grant to Mr. Joseph Haines of Hartford, three hundred acres of land for a farm, whereof fifty acres to be meadow, where it might be found, and John Haynes only

son, with others the heirs of the said Joseph Haines now deceased, pursuant to an act of this Assembly made and passed in May last, constituting the town of Kellingley, having desired Captain John Chandler to find, survey and lay out for them, the said three hundred acres of land granted to their father as aforesaid,—he the said Chandler hath accordingly surveyed and laid out the same, and exhibited in this Court a plat thereof, which lyes in one intire piece on the east side of Queenabaug River, upon and adjoyning unto Chesnut Hill, and is bounded on the south and west with the Colonys land, and also partly on the north, (which said parcel of land of three hundred acres the said Chandler as agent for, and by the desire of the said John Haines, had pitched upon and taken up for them, on or about the 26th of March, 1707,)—Now therefore, this Court do allow, approve and confirm the said survey of the said three hundred acres of land, for the said John Haynes and other the said heirs, provided it doth not prejudice any former grant of this Court; and that they shall have liberty to take a patent according to law for the same.

Whereas the General Assembly of this Colony, October 13th, 1687, did give and grant to Mr. Timothy Woodbridge of Hartford, two hundred acres of land for a farm, where he could find it; and the said Timothy Woodbridge pursuant to an act of this Assembly made and passed in May last, constituting the town of Kellingley, having desired Capt. John Chandler to survey and lay out for him the said two hundred acres of land granted him as aforesaid, he the said John Chandler hath accordingly surveyed and laid out the same, and exhibited in this court a plat thereof, which lyes in one intire piece on the east side of Queenabaug River, within the said town of Kellingley, at a place called Chesnutt Hill, and is bounded on the east and south with the Colonys land, and on the west mostly with the Whetstone country, (which said parcel of land of two hundred [54] acres, the said John Chandler as agent for || and by the desire of the said Timothy Woodbridge, had pitched upon and taken up for him on or about the 26th of March, 1707,)—Now therefore, this Court do allow, approve and confirm the said survey of the said two hundred acres of land, for the said Timothy Woodbridge, provided it do not prejudice any former grant of this Court, and order that he shall have a patent for the same.

Whereas the General Assembly of this Colony held at Hartford May 12th, 1687, did grant to Capt. Samuell Eells, then of Milford, (now of Hingham,) two hundred acres of land, and the General Assembly held at Hartford May 13th, 1708, did

give and grant to the Reverend Mr. James Noyes, of Stoningtown, two hundred acres of land, provided the same should be taken up without prejudice to any former grant, &c.: This Assembly do now order and appoint the county surveyor in the county of New London, or else Capt. John Chandler of Woodstock, or either of them, shall survey and lay out the said lands granted as abovesaid, and make report of the survey thereof to this Court as soon as may be.

Upon consideration of the petition of William Hoadly of Branford, setting forth the great wrong he hath sustained, by reason that Dugall Mackenzie, of Fairfield, doth neglect and refuse to pay him a certain sum of money, which he, said Hoadly, recovered of the said Mackenzie at a county court holden at Newhaven, November 14th, 1698, by a judgment upon an arbitration bond bearing date March 16th, $169\frac{8}{7}$, as appears of record; and this Court, having heard the pleas of the said parties, and finding that by several acts and orders, or judgments of divers officers and courts, obtained and made since the said judgment in the said county court, and execution granted thereon, (bearing date March 24th, $170\frac{9}{7}$, and served, the said Hoadly has been defeated and obstructed in recovering of the said Mackenzie the sum contained in the aforesaid execution, do therefore order, and it is hereby enacted and ordered by the Governour, Council, and Representa tives, in General Court assembled, and by the authority of the same, that the said Hoadly shall have a writ from the clerk of the said county court, who is hereby impowred to grant the same, citing and requiring the said Mackenzie to appear before the next county court to be holden in Newhaven, to shew reason, if any he has, why execution upon the said judgment should not be given against him. And if the said Mackenzie does not shew to the said court good and sufficient reason why the said execution should not be granted upon the said judgment, without relation had to any acts, or orders, or judgments, on or about the said judgment, execution or case wherein they were recovered, made and obtained since the said judgment and execution thereon, (which appear to this Court to be very irregular,) that then the said county court shall order execution upon the said judgment against the said Mackenzie, as if no such acts or orders had ever been obtained.

Provided only, that the said Mackenzie shall have liberty to appeal from the order of the said county court, (within the usual time allowed for entering appeals, giving bond to prosecute the same as the law requires,) who are hereby impowred

to grant the same, to the court of assistants which shall be held next after the sessions of the said county court. And if the said Mackenzie does not shew to the said court of assistants good and sufficient reason why the said execution should not be granted against him, without any relation had to the aforesaid irregular acts and orders, that the said court of assistants shall order execution upon the said judgment, to be granted by the secretary as clerk of the said court of assistants, against the said Mackenzie, without allowing of any review or other delay whatsoever.

Provided also, that the said Mackenzie and Hoadly shall have liberty to make use of and improve an attested copie of the aforesaid original bond, both in the aforesaid county court and court of assistants, if so be either of them shall see cause, which shall be accepted and allowed of by the said courts, in the pleas of either of the said parties, as if it were the original itself.

Provided also further, that the said county court or court of assistants shall have power, and they are hereby impowred, [55] to chancer the said arbitration bond according to the ‖ award given thereupon, taking for their direction therein the record of the court where judgment on said bond was recovered, shewing the value of the said bond and the sum, which by the award of the arbitrators specified, the said Mackenzie was to pay to the said Hoadly. Provided also, that the said Hoadly shall have the liberty, as the said Mackenzie hath by virtue of this act, to appeal from the county court to the court of assistants, and no further.

This Court grants liberty to Lieut. John Stanly of Farmington, to take up two hundred acres of land, which was granted to his father, Capt. John Stanly, deceased, formerly by this Court, in any of the Colonys land, no wise prejudicing former grants; and do order that any of the county surveyors in this Colony, or Capt. John Chandler of Woodstock, may lay out the same for him at his cost and charge, making a return thereof to this Court for confirmation.

Upon consideration of the information made to this Court by Samuel Huntington and Isaac Bayley, selectmen of Lebanon, of the irregular admission of freemen lately in that town, which causes trouble amongst them: This Court do therefore order, that the county court in the county of New London do make strict inquiry and examination into that matter, and issue forth writs to call before them such persons as are supposed and concluded to be faulty in that matter, and to punish them according to the direction of law.

Upon the petition of the selectmen of the town of Colchester, this Court do free and release the inhabitants of that town from paying their country rate this present year; excepting so much as the Colony now owes to any of the said inhabitants, for any service, matter or thing, which shall be paid by and amongst themselves this year out of their country rate. Provided also, that all the rest of their country rate for this year be improved by them for the building a meeting house in their town.

It is ordered and enacted by this Court, That all serjeants that have been out in the Colonys service the summer now last past, and who shall hereafter go out into the said service against the common enemy, shall be paid two shillings and six pence per day, or fifteen shillings per week, for their wages.

Upon consideration of the petition of John Edgcombe of New London, now entred and heard in this Court, and of the pleas and replys of Joshua Hempstead of said New London, now made against the same, and of the process which the will referred to in the said petition has had in the prerogative courts, whereby this Court do find that the said Hempstead appealed from the sentence of the court of probates in New London, refusing to admit the said will to probate, not to the next court of assistants, but to the next court but one, at Hartford, which made an order of allowance thereupon, which, strictly taken, was irregular; and also that the said Jn° Edgcomb did not review from the said act or order of the court of assistants, which he might have done if he had disliked it, which is also irregular; so that in the true course of law this controversy cannot have issue, the parties having departed therefrom; and this Court withall considering the case itself, relating to the probate of said will, that it is of great consequence, and ought to be carefully determined, do judge that the petitioner shall be heard in his plea against the said will; and this Court do therefore determine that the said petitioner shall be heard in his pleas against the said will, at the next court of assistants to be holden at Hartford, who shall admit the said will to probate, or reject the same, according as they shall find the law in the said case to be, any other rule, act or decree of any prerogative or other court to the contrary notwithstanding. And the said Edgcomb and Hempstead are to take notice of this order and attend the decision of the said court of assistants in the said case, without any other warrant or precept.

It is ordered and enacted by this Court, That the town of Colchester, in this Colony, shall belong to the county of Hart-

ford; and that Mr. Michael Tainter of Colchester, shall be a justice of the peace for the said county until May next.

[56] Upon the request of the keeper of Newhaven ferry, that he may be the better enabled to make and maintain a good and sufficient wharf on each side of the said ferry: This Court do see cause to add to the fare of his ferry already stated in the printed law, one penny in money, which he may demand and take at such time as he shall have finished the said wharfes and made them sufficient for use, according to the judgment of the selectmen of Newhaven, and not before; and so long as he shall keep the said wharfes in good and sufficient repair, according to the judgment of the said selectmen, and no longer. Provided always, that the keeper of the said ferry shall not demand nor take the said additional fare of one penny of the inhabitants of any town that have made agreement with him, by the year or otherwise, nor of any person whatsoever travailing on the countrys service.

Whereas several persons, officers, and others, have been presented to this Court for several neglects and misbehaviours in her Majesties service the last summer: The Governour, Council and Representatives, in General Court assembled, having considered the said offences, and that many of the said offences were committed by the persons culpable through ignorance (as they plead), and want of a good acquaintance with their duty, do hereby conclude to overlook and pass by the said offences; excepting only of such as being listed into the said service, did without any leave desert and forsake the same, who are hereby left to be prosecuted for such offences, in the county courts of the several counties where the said persons live. And this Assembly, for the better and more effectual obliging all persons whatsoever duly to attend her Majesties service, and the command of their officers, whensoever there shall be occasion for it, do order and determine, that all persons whatsoever, who shall at any time hereafter neglect obedience to the command of his superiour officer for her Majesties service, or shall desert the same, shall suffer for such default the utmost penalty of the law.

This Court do grant to Colonel William Whiting of Hartford, for his good service in this last year past, as well in the county of Hampshire as within this Colony, the sum of thirty pounds in pay, out of the colony treasury.

An Act in addition to the printed law, title Records, page 102.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority

of the same, That no grant or deed of bargain, sale, or mortgage, which shall be made of any houses or lands within this Colony, from and after the first day of March next ensuing, shall be accounted good and effectual in law to hold such houses and lands against any other person or persons but the granter or granters, and their heirs only, unless the grant, deed, or deeds thereof, be recorded at length in the records of the town where such houses or lands do lye. And the town clerk or register in every town in this Colony shall, on the receipt of any grant, deed, conveyance, or mortgage of any house or land brought to him to record, note thereupon the day, month and year when he received the same, and the record shall bear the same date.

And it is further enacted by the authority aforesaid, That if any town clerk or register within this Colony, shall neglect to do and perform his duty according to this act, and be thereof convicted, he shall pay a fine of five pounds to the treasury of the county whereto he belongs, for every such neglect.

This Assembly grants to the Honourable Deputy Governour, for his sallery this year, the sum of forty pounds in pay.

This Assembly grants and allows the sum of five pounds to [57] be added to the || Treasurers sallery, out of the Colony treasury.

It is ordered and enacted by this Assembly, That there shall be allowed and paid out of the publick treasury of this Colony, to the several constables within the same that have been this present year, or shall at any time hereafter be imployed in impressing men, horses, and other things for the Colonys service, the sum of three shillings and six pence per day to each constable, for the service of himself and his horse therein.

This Assembly grants a rate of seven pence upon the pound, to be levyed upon all the rateable estate of this Colony, for the defraying the publick charges thereof this last year, and to be paid as followeth, viz: wheat at six shillings per bushel, rye at three shillings and six pence per bushel, Indian corn at three shillings per bushel, all to be good and merchantable; pork well repackt to pass at three pounds fifteen shillings per barrel, beef well repackt to pass at forty five shillings per barrel; and if any person or persons will pay their rate, or any part thereof, in money, at fifteen penny weight for six shillings, it shall be accepted at two thirds.

It is ordered and enacted by this Court, and this Assembly do desire the Honourable the Governour and Council, to con-

sider of Coll° Quarys motion and letters about the collectors office, and act and conclude therein according to their discretion, either to admit and allow, or else to deny him to substitute officers under him in this Colony, in case he produces no commission for the management or ordering that affair according to statute.

It is ordered and enacted by this Assembly, That the several souldiers that were formerly improved by Capt. John Higly at Simsbury, in the Colonys service, shall be paid the sum of seven pounds and six shillings out of the Colony treasury, for that service.

This Court grants that the troopers who were out in the Colonys service the last summer past, and that shall hereafter be called forth upon publick service against the common enemy, shall be allowed and paid out of the Colony treasury one shilling per week more than foot souldiers.

It is ordered and enacted by this Assembly, That John Hamlin of Middleton, Esq^r^, and the selectmen of the town of Middletown for the time being, and from time to time, shall be, and are hereby impowred to sell the lands of David Sage of the same Middletown, as there shall be occasion, for his support and subsistence.

It is ordered by this Assembly, That the listers of the town of Farmingtown for the time being shall send the total sum of the list of the persons and estates of that town to the secretary as soon as may be.

A question arising, whether such persons as the listers have forgot to warn (in the time limited by law) to bring in their lists, shall be requirable to give in their lists notwithstanding: It is concluded and resolved by this Court, that such persons so forgotten, being after warned to give in their lists, and shall refuse or neglect the same, that then the listers shall make a list of all the ratable estate of such person or persons, as near as they can come at it, and add it to the common list.

An Act in addition to the printed law, title Militia.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all persons above the age of fifty five years shall be released, and hereby are released, out of the trainbands within this Colony, but not from keeping arms and amunition, and bringing them to view upon command as formerly, nor from service in case of exigency; neither shall they

be debarred from voting in the choice of their commission officers.

And it is further enacted, That every centinel on every training day, shall appear compleat in his arms, as on days ap- [58] pointed for viewing arms, and under the same || penalty for every defect; and that every centinel who shall absent himself from training, (unless in such cases where the said law, title Militia, doth excuse him from paying any fine,) shall incur the penalty of five shillings.

An Act in addition to, and for emendation of the Act passed in the General Assembly, holden at Hartford, May 13th, 1708, intituled An Act for Excise and Impost.

It is enacted and ordained by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all masters of vessels importing any wine, rhum, or other liquors, specified in the said act, and made lyable to the payment of the duty or impost therein mentioned, (excepting only such wine or liquors as shall be imported directly from the place of their making or growth, and in vessels part owned by one or more inhabitant of this Colony,) shall before landing any such liquors, enter them with the officer that is or shall be appointed for the receiving of such duty or impost, and give sufficient bond to the said officer, to pay to him (before his departure out of the port where the said entry is made,) the several sums hereafter mentioned, that is to say, ten shillings currant money of this Colony, and no more, for each pipe of wine, and for each hogshead of rhum, or other distilled liquors so imported, and pro rato for other cask of any of the aforesaid liquors.

And it is now hereby further enacted, That all the clauses in the said act made May 13th, 1708, concerning an excise upon cyder and metheglin, be repealed, and they are hereby repealed and made void.

This Assembly grants to Mr. John Elliot, Speaker of the Lower House, forty shillings, for his good service this Court.

This Assembly grants to Capt. Richard Bushnell, Clerk of the Lower House, thirty shillings, for his good service this Court.

This Assembly grants to John Bradly of Newhaven, constable, for his attendance upon the Lower House, three shillings and six pence per day.

It is ordered and enacted by this Assembly, That the Council to assist the Governour, or in his absence the Deputy Governour, in the intervals of this Assembly, shall consist of two

Assistants at the least, and four able, judicious freemen, such as the Governour, or in his absence the Deputy Governour, shall see cause to call to Council; who shall have power in the intervales of this Assembly to manage the affairs of this Colony according to charter, they not to raise men to send out of the Colony, unless in case of exigency, nor to raise money.

It is ordered and enacted by this Assembly, That for the future, the several constables within this Colony, chosen and appointed as the law directs for the gathering the country rates yearly, are hereby required to make up their accompts with the Treasurer annually, on or before the last of June, viz: the constables in the county of Fairfield at or before the end of the first week in June, and the constables in the county of Newhaven at or before the end of the second week in June, and the constables in the county of Newlondon at or before the end of the third week in June, and the constables in the county of Hartford at or before the end of the last week in June. And the said constables shall be allowed post wages for their travel severally, and no more, bearing their own charges.

It is ordered and enacted by this Assembly, That the Colony Treasurer shall provide seven barrels of gun-powder, and lead [59] and flints answerable || for the Colonys use: three barrels whereof, with lead and flints answerable, to be put into the hands of John Haynes, Esq^{r}, in Hartford, and one barrel thereof, with lead and flints answerable, to be left in the hands of John Alling, Esq^{r}, at Newhaven, and one barrel of said powder, with lead and flints answerable, to be put into the hands of the Hon^{bl} Deputy Governour at Fairfield, and two barrels of said powder, with lead and flints answerable, to be put into the hands of Mr. John Plumb at New London; all which to be ready for the Colonys use. And the said gentlemen are annually to give an account of the said amunition in their hands to the auditors of the Colonys accompts.

For the incouragement of Military Skill and Good Discipline amongst her Majesties Subjects in this Government.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all such persons as are voluntarily formed, or that shall hereafter voluntarily form themselves into military companies for the attendance on artillery exercises on certain seasons and rules by them agreed to, shall have power to recover such fines for non-attendance and late coming as shall be agreed upon by the said companies, in the same method that the fines

of the stated militia of this government are recoverable. Provided always, that children under age and servants shall not list without leave of their parents or masters, nor the stated times of their exercise interfere with other training days.

It is ordered and enacted by this Assembly, That there shall be allowed and paid out of the publick treasury of this Colony, the sum of fifty pounds in pay, for the bringing up and maintaing of Dogs in the northern frontier towns in this Colony, to hunt after the Indian enemy, and to be improved and ordered for that end by the Committee of War in the county of Hartford, according to their discretion, as soon as may be, who are to procure as many dogs as that money will allow, to be always ready for the Colonys service against the common enemy.

It is ordered and enacted by this Assembly, That the Committee of War in the county of Hartford shall cause to be erected in the towns of Windsor, Farmington, Simsbury, and Waterbury, so many garrisons as they shall judge needfull, and support them with men and provisions as there shall be occasion; the garrisons to be erected at the charge of the Colony, or else of the respective towns as the said committee shall order. Provided always, that there shall be but two garrisons at Simsbury, and two at Waterbury, erected at the Colony charge.

It is ordered and enacted by this Assembly, That the Hon^{bl} the Deputy Governour shall cause to be erected such and so many garrisons at Woodbury, Danbury, and Oweantenuck, and support them with men and provisions, as he shall judge necessary, at the Colonys charge. Provided there shall not be any other then two garrisons at Woodbury, and one at Danbury, erected at the Colonys charge.

[60] *It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same*, That no person or persons whatsoever, within this Colony, upon any pretence whatsoever, shall furnish, lend, or sell, to any of our friend Indian or Indians, any gun, for any time longer or shorter, on pain of forfeiting such gun so lent or sold, or the full value thereof, upon conviction of the offence before any one assistant, or justice of the peace, or court of judicature, within this Colony.

And it is further enacted by the authority aforesaid, That all and every person or persons whatsoever within this Colony, who hath, or have any gun or guns in the hands of any of the said Indians, which is or was lent to them, shall speedily recover and get the same out of their hands, on pain of forfeit-

ing the same guns as aforesaid. And all such forfeiture shall be and belong to the treasury of the county wherein the offence is or shall be committed.

A Report was now made to this Court by Joseph Curtis and Peter Burr, Esq^{rs}, and Mr. John Sherman, upon hearing the matters of difference between the town of Newhaven and the village called Easthaven, pursuant to an order of this Court in May last. Upon consideration whereof: It is ordered by this Assembly, that the said report shall be kept on file till the next General Assembly, when the controversie between the parties mentioned therein shall be finally determined by act of the said Assembly, unless the parties concerned shall come to a full agreement before the convening of the same.

The Reverend Ministers delegates from the elders and messengers of the churches in this government, met at Saybrook, September 9th, 1708, having presented to this Assembly a Confession of Faith, Heads of Agreement, and Regulations in the Administration of Church Discipline, as unanimously agreed and consented to by the elders and messengers of all the churches in this government: This Assembly do declare their great approbation of such a happy agreement, and do ordain that all the churches within this government that are or shall be thus united in doctrine, worship, and discipline, be, and for the future shall be owned and acknowledged established by law. Provided always, that nothing herein shall be intended and construed to hinder or prevent any society or church that is or shall be allowed by the laws of this government, who soberly differ or dissent from the united churches hereby established, from exercising worship and discipline in their own way, according to their consciences.

It is ordered and enacted by this Assembly, That there shall be a Committee of War in the county of Hartford, consisting of seven persons, who shall have full power as was granted to the said committee by this Assembly in October last, and to continue with such power during the pleasure of this Court. And Nathanael Stanly, Esq^{r}, William Pitkin, Esq^{r}, Coll^{o} William Whiting, Mr. John Elliot, Mr. Richard Lord, Major Mathew Allyn, and Capt. Aaron Cooke, are now appointed to be the said Committee of War, they or any four of them to be a quorum.

It is ordered and enacted by this Assembly, That there shall be one garrison at Owcantinuck, provided there be one less at Woodbury, which is left to the discretion of the Deputy Governour.

[61] Peter Burr of Fairfield, Esq^{r}, is by this Assembly chosen and appointed to be Major of the regiment of militia in the county of Fairfield, and this Court do order that he be commissioned accordingly.

The whole Record of the several Acts, Grants, and Orders of this Assembly, as they stand in the pages of this book next preceding, was read in the presence of both Houses, and ordered to be signed by the Secretary as perfect and compleat.

ELEAZAR KIMBERLY, Secry.

October 28th, 1708. This Assembly is adjourned until the Governour or Deputy Governour shall see cause to call the said Assembly to meet again.

There was added to the lists of estate exhibited in this Court, several sums sent by the listers to the Secretary at the General Assembly, May 12th, 1709, as follows, viz: to the list of Newhaven, 385 pounds; to Stratford, 426*l* 3*s*; to Wallingford, 107*l*; to Stanford, 72*l*; and to Windsor, 746 pounds; an account whereof is given to the Treasurer; to Middleton, 134*l*; to Hartford, 440*l*; and to Fairfield, something as by a note on file, a copy whereof I sent to the Treasurer.

Memorandum.—Three fourths of this addition to Windsor was assessments, an account whereof I gave to the Treasurer.

CONNECTICUT COLONY.

AT A GENERAL ASSEMBLY AND COURT OF ELECTION, BEGUN AND HOLDEN AT HARTFORD, IN HER MAJESTIES COLONY OF CONNECTICUT IN NEW ENGLAND, ON THE 12TH DAY OF MAY, IN THE EIGHTH YEAR OF THE REIGN OF OUR SOVEREIGN LADY ANNE, QUEEN OF GREAT BRITTAIN, &C., ANNOQUE DOMINI 1709, AND CONTINUED BY SEVERAL ADJOURNMENTS TO THE 20TH DAY OF THE SAME MONTH.

Present at this Assembly were,

The Honourable Gurdon Saltonstall, Esq^{r}, Governour.
The Honourable Nathan Gold, Esq^{r}, Deputy Governour.

Assistants,

Daniell Wetherell, Esq^{r},	John Chester, Esq^{r},
Nathanael Stanly, Esq^{r},	Josiah Rossetter, Esq^{r},
William Pitkin, Esq^{r},	John Haines, Esq^{r}.

This day, being the day appointed by charter and the laws of this Colony for Election of the publick officers of this corporation, viz:—The Governour, Deputy Governour, Assistants, Treasurer and Secretary, proclamation was now made in Court by order of the Hon^bl the Governour and Council, and the freemen of this corporation proceeded to give in their votes to persons chosen and appointed by the Governour and Council, and Representatives, to receive and sort them. The said persons so chosen and appointed, were Mr. Richard Lord, Capt. Cyprian Nickols, Mr. Joseph Talcott, Mr. John Hooker, Mr. Jerremiah Osbourn, Mr. Jonathan Law, Mr. James Rogers, Mr. James Bennet; who were all sworn truly and faithfully to receive, sort, and count the said votes; and the votes of the freemen having now been brought in, sorted, and counted,—

The Hon^bl Gurdon Saltonstall, Esq^r, was chosen Governour of this Colony for the year ensuing, and the Governours oath was now administred to him by the Hon^bl the Deputy Governour, before this Court.

The Hon^bl Nathan Gold, Esq^r, was chosen Deputy Governour of this Colony for the year ensuing, and sworn before this Court by the Hon^bl the Governour; and

[62] Daniell Wetherell,	Josiah Rossetter,	Esq^rs,
Nathanael Stanly,	Richard Christophers,	
John Hamlin,	Peter Burr,	
William Pitkin,	John Allyn,	
John Chester,	John Haines,	
Joseph Curtis,	Samuel Eells,	

were now chosen Assistants for this Colony for the year ensuing. And the said Daniell Wetherell, Nathanael Stanly, John Hamlin, William Pitkin, John Chester, Josiah Rossetter, John Haynes, and Samuel Eells, Esq^rs, were now sworn Assistants before this Court accordingly.

Deputies or Representatives that were present and attended at this Assembly were as hereafter followeth: that is to say,

Mr. Joseph Talcott, Mr. Nathanael Hooker, for Hartford.
Mr. Jerremiah Osborn, Mr. Abraham Bradley, for Newhaven.
Mr. Thomas Bolles, Mr. James Rogers, for New London.
Capt. John Osbourn, Mr. James Bennit, for Fairfield.
Mr. Jonathan Law, for Milford.
Capt. Robert Wells, Capt. Thomas Wells, for Wethersfield.
Mr. Simon Smith, Mr. Thomas Gates, for Haddam.
Mr. William Maltbie, Capt. Nathanael Harrison, for Branford.
Capt. Thomas Hart, Mr. John Hooker, for Farmington.
Mr. James Morgan, Mr. William Lathan, for Groton.

Mr. James Beebee, Mr. Josiah Starr, for Danbury.
Mr. John Russell, Mr. Daniell Collins, for East Haven.
Capt. William Eely, Mr. Joseph Peck, for Lyme.
Mr. Joseph Phelps, Mr. James Cornish, for Simsbury.
Mr. John Fellows, for Plainfield.
Capt. Richard Bushnell, for Norwich.
Mr. Samuel Brinsmead, for Derby.
Capt. John Parke, Mr. Thomas Tracy, for Preston.
Capt. Daniell Eldridge, Mr. William Gallop, for Stoningtown.
Mr. Samuell Hale, for Glassenbury.
Mr. William Parker, Mr. Benjamin Lord, for Saybrook.
Mr. John Sherman, Capt. John Minor, for Woodbury.
Mr. Samuel Keelar, Mr. John Betts, for Norwalk.
Mr. Timothy Stanly, Mr. Thomas Judd, for Waterbury.
Capt. Nathanael White, Capt. John Hall, for Middletown.
Mr. Joshua Ripley, Mr. Jonathan Crane, for Windham.
Mr. Michael Tainter, Mr. Samuell Loomis, for Colchester.
Capt. William Clark, Capt. Jerremy Fitch, for Lebanon.
Capt. Thomas Yale, Capt. John Merriman, for Wallingford.
Mr. John Elliot, Major Mathew Allyn, for Windsor.
Mr. James Hooker, Mr. John Seward, for Guilford.
Mr. Stephen Bishop, for Stanford.
Capt. James Judson, Mr. Ephraim Stiles for Stratford.
Mr. John Griswold, for Killingworth.
Mr. John Russell, Mr. Daniell Collins, for East Haven.

Of these, Capt. William Eely, Capt. John Osborn, and Mr. James Morgan, were absent each three days, and Mr. Timothy Stanly was absent two days from this Assembly.

Capt. Joseph Whiting was now chosen Treasurer of this Colony for the year ensuing.

Caleb Stanly was chosen Secretary of this Colony for the year ensuing, and was now sworn by the Hon^{bl} the Governour, before this Court.

John Elliot, Esq^{r}, was Speaker, } of the House of Rep-
Capt. Richard Bushnell Clerk, } resentatives.

By order of the Honourable the Governour, the gentlemen members of both Houses being met together, the Governour caused several letters and writings to be read before them, that is to say,

[63] A letter from Sr. Henry Ashurst, Agent for this Colony, bearing date August 25th, 1708,—and a letter sent to the said Agent, bearing date January 28th, 170$\frac{8}{9}$,—and another letter sent to him, bearing date February 21st, 170$\frac{8}{9}$,—and a letter sent to the Lords of the Council of Trade, bearing date January 24th, 170$\frac{8}{9}$,—and another letter sent to the said

Agent, bearing date March 16th, 170$\frac{8}{9}$,—and another letter sent to the said Lords, bearing date January 26th, 170$\frac{8}{9}$,—and another letter sent to the said Lords, bearing date the 19th of February, 170$\frac{8}{9}$, with a platt of the line between the Province of the Massachusetts Bay and this Colony, as run or surveyed by Mr. Woodward and Saffery, and sundry pleas and reasons drawn against that line and sent to her Majestie in Council,—all which are ordered to be kept on file.

And the Hon^{bl} the Governour now also laid before this Assembly a letter to him directed, and sent from her Majestie our sovereign Lady the Queen, bearing date the 2d day of March, 170$\frac{8}{9}$, requiring the assistance of her subjects in this Colony, in an expedition now forthwith to be made against the French at Canada, according to her Majesties instructions to the Hon^{bl} Coll^{o} Vetch, relating thereunto, directing and commanding that 350 men be raised in this Colony and sent upon the said expedition;—and the Governour recommended the consideration of the said letter and instructions to this Assembly, and the same was considered accordingly;—and thereupon,

The Governour, Council and Representatives, now in General Court assembled, having a very deep sense of her Majesties royal favour in resolving upon the said expedition against Canada, out of special favour to this Colony, with the neighbouring Provinces, which have suffered so greatly by the French of that settlement, (which they do hereby agree and order to be humbly presented to her Majestie in an address for that end prepared and signed by the Governour and Secretary in their names,) have resolved, and do hereby resolve and enact, with all possible dispatch to comply with that part of her Majesties instructions accompanying the said letter, which concerns this Colony, and to joyn forthwith the forces of New York, New Jersey and Pensilvania, with 350 men, (that being the quota of men in this Colony mentioned in the instructions aforesaid,) with whom the Governour shall send some suitable person of this Colony to take a general care of them, who shall be subsisted at the charges of this Colony, and maintained in their pay; the executing of which, this Assembly doth leave with the Honourable the Governour and Council, for whose furtherance and assistance therein, this Assembly have agreed upon a body of conclusions now to be delivered to them.*

* Conclusions agreed upon in the General Assembly held in Hartford May 12, 1709, relating to the expedition to Canada, now to be pursued; for the assistance of the Governour and Council in the further managing and expediting that affair.

1. That the Governour, when he comes to New York, whither he is now going, endeavour to obtain a general command for some gentleman of our own government, to

An Address to her Majestie, relating to the expedition against Canada, signed by the Hon[bl] the Governour and Secretary, in the name of this Assembly, and also a Body of Conclusions for the assistance of the Governour and Council in managing the said expedition, so far as this Colony is to be

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be appointed by the Governour and Council, to go to Canada; that our troops may be under his particular eye and care.

2. That the Indians in our government be incouraged to go, by allowing them arms, ammunition and wages, at her Majesties charge.

3. That it be concerted and agreed, in case Canada should be reduced, that none of our souldiers be obliged to stay in garrison there, but have leave to return.

4. That bread be procured at Albany or N. York, and our wheat exchanged for it.

5. That a sloop be sent forthwith to New York for arms and ammunition out of her Majesties stores.

6. That we be exempted out of the charge of the storehouse to be erected at Woodcreek, which will be of constant use at New York, and no benefit to us after this expedition.

7. That the provisions necessary for our forces be taken where they shall be cheapest had in the colony, and most for the advantage of the government.

8. That 372 men be raised out of the trainbands in the several towns underwritten, and in the proportion added, out of which 350 effective men only to go in the expedition.

9. That a chaplain, physitian and chirurgeon be provided and furnished, to march with our men.

10. That our men shall be raised forthwith by a warrant from the governour to the several captains, or chief officers of the several companies, to impress their proportion of men, and have them compleatly fitted, and march them immediately to their county towns, or otherwise as the governour shall order, there to be billeted, and under the command of the captains of the said county towns, or other chief military officers in the said towns, till further order from the governour. Such men as have no good arms of their own shall be furnished with arms and ammunition, out of stores already provided.

11. The proportion of our troops to be raised in our several towns are as follows:

Hartford,	22	Haddam, east side,	6
N. Haven,	17	Haddam, west side,	5
Windsor,	22	Darby,	4
Weathersfield,	16	Fairfield,	13
Glassenbury,	6	Symsberry,	6
Milford,	14	Woodberry,	7
Guilford,	13	Preston,	7
N. London,	16	Groton,	9
Wallingford,	12	Saybrook,	11
Waterbury,	4	Stanford,	9
Killingworth,	5	Windham,	6
Easthaven,	5	Norwich,	13
Greenwich and Horsneck,	6	Lebanon,	11
Lyme,	11	Stoningtown,	13
Stratford,	11	Danbury,	5
Norwalk,	10	Plainfield,	5
Colchester,	7	Farmingtown,	11
Middletown,	13	Durham,	2
Branford,	9	Mansfield,	2
	219	Canterbury,	2
			147
Massamuget,	3		
Killenslie,	3		

12. That if any thing not provided for in these conclusions, for the service of the expedition, and for the advantage of this government, can be done at New York, whither the Governour is now going, it is hereby recommended to his care.

May 13th, 1709. Past in the Lower House.

Test. Rich[d] Bushnell, Clerk.

May 13th, 1709. Past in the Upper House.

Test. Caleb Stanly, Secry.

Memorandum by Secretary Stanly. I have given copy of this to the Governour.
Note, this not to be recorded. War, III, 74.

concerned therein, was now drawn, read, considered and approved in this Assembly, whereof true copies are by this Assembly ordered to be kept upon file.

Whereas it is proposed by the Hon^bl the Governour and Council, that Coll^o Whiting be improved and imployed as Colonel, Major Mathew Allyn as Lieut. Colonel, and Capt. John Levingstone as a Major, in the expedition against Canada: This Assembly do allow and grant, that there shall be paid out of the publick treasury to the said gentlemen officers (provided they do go into her Majesties service upon the said expedition,) the same wages (according to the post and office they shall serve in,) that is allowed and paid to the like officers in the said expedition, within the Province of the Massachusetts Bay.

It is ordered and enacted by the Governour, Council and [64] *Representatives, in* || *General Court assembled, and by the authority of the same*, That there shall be allowed and paid out of the publick treasury of this Colony to all private centinels, as well volunteers as such as are or shall be impressed, (who shall be imployed and go into her Majesties service on the expedition against Canada,) within this Colony, the sum of two shillings and six pence per day in pay, for their wages, for every day of the week, from the time they are listed or impressed until they shall be dismissed from that service; and that there shall be allowed and paid out of the said treasury to all officers within this Colony, as well volunteers as others who shall go upon the said expedition, additions to their wages already stated, proportionable to the addition hereby made to the wages of centinels, any law to the contrary notwithstanding.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, That whatsoever shall be necessary for the comfortable subsistence of our troops, who are now going upon the expedition against Canada, such as duffells or other cloth, &c, which cannot be procured in this Colony, shall be taken up (by order from the Governour and Council) in any other Province, and shall be charged upon this Colony and paid for by the treasurer of the same.

William Pitkin of Hartford, Esq^r, is by this Assembly chosen and appointed to be Judge of the County Court and Court of Probates in the county of Hartford for the year ensuing.

And John Eliot, Esq^r, Major Mathew Allyn, Capt. Thomas Hart, John Hooker, Esq^r, Capt. Robert Wells, Joseph Talcott, Esq^r, Coll^o W^m Whiting and Richard Lord, Esq^r, are by this

Court chosen and appointed to be Justices of the Peace and Quorum within the said county of Hartford for the year ensuing.

And Nathanael White, Esq^{r}, Coll^{o} Benj^{a} Alford, John Moore, Esq^{r}, Capt. John Chapman, Capt. John Higley, Mr. Return Strong, Mr. Michael Tainter, Mr. James Wells, Mr. Joshua Ripley, and Mr. Thomas Jud, are by this Assembly chosen and appointed Justices of the Peace within the said county of Hartford for the year ensuing.

John Allyn of New-haven, Esq^{r}, is by this Assembly chosen and appointed to be Judge of the County Court and Court of Probates in the county of Newhaven for the year ensuing.

And William Maltbie, Esq^{r}, Nathan Andrews, Esq^{r}, Abraham Bradley, Esq^{r}, Capt. Abraham Fowler, Capt. Thomas Yale, Capt. Joseph Treat, Jonathan Law, Esq^{r}, are by this Assembly chosen and appointed to be Justices of the Peace and Quorum within the said county of Newhaven for the year ensuing.

And Jeremiah Osbourn, Esq^{r}, Thomas Clark, Esq^{r}, John Hall, Esq^{r}, and Mr. Samuell Riggs, are by this Assembly chosen and appointed Justices of the Peace within the said county of New Haven for the year ensuing.

Daniell Wetherell of New London, Esq^{r}, is by this Assembly chosen and appointed to be Judge of the Court of Probates in the county of New London for the year ensuing.

Richard Christophers of New London, Esq^{r}, is by this Assembly chosen and appointed to be Judge of the County Court in the county of New London for the year ensuing.

And Nehemiah Smith, Esq^{r}, Nathanael Lynde, Esq^{r}, Capt. William Eely, Capt. Richard Bushnell, Capt. Nathanael Cheesbrough, Daniell Taylor, Esq^{r}, Ephraim Minor, Esq^{r}, are by this Assembly chosen and appointed to be Justices of the Peace and Quorum within the said county of New London, for the year ensuing.

And Thomas Bolls, Esq^{r}, Capt. James Morgan, Jonathan Tracy, Esq^{r}, Capt. William Clarke, Capt. Jeremiah Fitch, Mr. Samuell Buell and Mr. Thomas Williams, are by this Assembly chosen and appointed Justices of the Peace within the said county of New London for the year ensuing.

The Honourable Nathan Gold, Esq^{r}, is by this Assembly chosen and appointed to be Judge of the Court of Probates in the county of Fairfield for the year ensuing.

[65] Peter Burr of Fairfield, Esq^{r}, is by this Assembly chosen and appointed to be Judge of the County Court in the county of Fairfield for the year ensuing.

And Capt. John Minor, Capt. James Judson, Capt. James Olmstead, Capt. Jonathan Sellick, Capt. Joseph Wakeman and John Sherman, Esq^{rs}, are by this Assembly chosen and appointed to be Justices of the Peace and Quorum within the said county of Fairfield for the year ensuing.

And James Bennit, Esq^{r}, Mr. Samuel Hoyt, Mr. Samuel Peck, Mr. Ebenezer Mead, and Mr. James Beebee, are by this Assembly chosen and appointed to be Justices of the Peace within the said county of Fairfield for the year ensuing.

Upon consideration of the age and long service of Major Ebenezer Johnson, sergeant major of the regiment of militia in the county of Newhaven, this Assembly have thought meet to excuse, and do now hereby excuse and release him from any further labour in that post. And this Assembly do now choose and appoint Capt. Samuel Eells of Milford to be Major of the said regiment of militia, and do order that a commission be given him accordingly, and that he do continue in the command of the company at Milford, (whereof he is now captain,) notwithstanding.

Capt. John Clark of Saybrook is now by this Assembly chosen and appointed to be Major of the regiment of militia in the county of New London, and this Assembly order that he be commissioned accordingly, and that the said Major John Clark shall notwithstanding continue to be captain of his company at Saybrook who are now under his command.

This Assembly do establish and confirm Mr. Moses Dimon to be Lieutenant, and Mr. John Wheelar to be Ensign of the eastermost company or trainband in the town of Fairfield.

This Assembly do establish and confirm Mr. William Pratt to be Lieutenant, and Mr. Samuel Joanes to be Ensign of the company or trainband in Saybrook, now under the command of Captain Samuell Willard.

This Assembly do establish and confirm Mr. Thomas Harrison to be Lieutenant, and Mr. Nathanael Foot to be Ensign of the trainband in the town of Branford.

This Assembly do establish and confirm Mr. John Coult of Lyme to be Ensign of the company or trainband in that town under the command of Capt. W^{m} Eely.

This Assembly do establish and confirm Mr. Thomas Bradford to be Lieutenant, and Mr. George Waye to be Ensign of the company or trainband at Nahantick Quarter, within the town of Lyme.

This Assembly do establish and confirm Mr. Samuel Huntington of Lebanon to be Lieutenant of the first company or trainband in that town.

This Assembly do establish and confirm Mr John Hawley of Stratford to be Lieutenant of the company or trainband in the town of Stratford.

This Assembly do order and appoint William Pitkin, Esq^{r}, Major John Chester, John Elliot, Esq^{r}, and the Secretary of this Colony, to be a committee to prepare the manuscript laws of this Colony, enacted before the session of this Assembly, and make them ready for the press, which laws so prepared shall be presented to the General Assembly in October next, to be by them perused and approved in order to be printed.*

This Assembly do grant and allow to Josiah Barber of Windsor the sum of ten pounds in pay, out of the publick treasury of this Colony, which is to satisfie and pay him all the wages of his son, who was killed by the enemy the last summer in the service of this Colony, and also for a blanket he lost at that time. And this Assembly do order and direct the committee of war in the county of Hartford to consider what ought to be allowed to the said Barber on account of a gun which he lost at the time his son was killed as aforesaid, and to give order to the Treasurer to pay him what they shall judge reasonable.

[66] This Assembly do establish and confirm Mr. John Seward to be Captain, Mr. Andrew Ward to be Lieutenant, and Mr. Samuell Hill to be Ensign of the second company or trainband in the town of Guilford.

This Assembly do establish and confirm Mr. Nathanael Stone to be Lieutenant, and Mr. Daniell Bartlett to be Ensign of the first company or trainband in the town of Guilford.

This Assembly do grant their consent and full liberty to the inhabitants of the village of East-haven in this Colony, to imbody themselves into church estate, with the approbation of their neighbouring churches.

This Assembly do grant to the Honourable Gurdon Saltonstall, Esq^{r}, Governour of this Colony, the sum of one hundred and fifty pounds in pay, for his salery the year past, and also the sum of eighty pounds more in pay (as a gratuity) to be paid him out of the publick treasury of this Colony.

This Assembly do grant liberty and full power to Thomas Dickerson of Stratford, of about twenty years of age, a poor decrepid person, to sell a certain piece of land to him belonging, lying and being in Stratford, of the quantity of about two acres and an half, for the procuring money to pay and satisfie

* The Journals of the two houses at the October session, 1709, show that an act for publishing the laws was passed at that session.

the doctors that he hath improved to endeavour his cure; provided he do bargain and sell the same by and with the advice and direction of Mathew Sherwood of Stratfield.

This Assembly do grant their consent and full liberty to the inhabitants on the north side of the riveret in the town of Middletown to imbody themselves into church estate, with the approbation of their neighbour churches.

This Assembly grants liberty and full power and authority to John Shepard and Thomas Shepard of Hartford, administrators on the estate of their late father, Serjt John Shepard of Hartford, deceased, to sell so much of the lands of the estate left by the said deceased, as may be sufficient to pay all the debts now remaining due from the said estate, and the said administrators charges, and also to furnish the widow with necessary moveables to the value of ten pounds in pay for her own use, by and with the direction, order and allowance of the court of probates in the county of Hartford, and to make, seal and execute the necessary and lawfull deeds and conveyances of the same.

This Assembly grants liberty and full power to Sarah Crane of Wethersfield, widow, administratrix on the estate of her late husband, Joseph Crane of said Wethersfield, deceased, (with the allowance and advice of the court of probates in the county of Hartford,) to sell so much of the lands belonging to the said estate as may produce effects sufficient, with the moveables thereof, to pay all the debts due from the said estate.

This Assembly grants liberty and full power to Sarah Bennett, widow, and John Odell of Stratfield, administrators on the estate of James Bennit, junior, late of Stratfield, deceased, (with the allowance and advice of the Honbl Nathan Gold, Esqr, and Lieut. James Bennit,) to sell so much of lands belonging to the estate of the said deceased, as may produce the sum of sixty seven pounds thirteen shillings and five pence, to pay for and towards the debts of the said deceased due to the crditors of his estate.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the reverend elders, the general delegates of the several associations of elders within this Colony, now assembled in Hartford, do revise and prepare for the press the Confession of Faith, Articles of Agreement between the United Brethren in England, formerly called Presbiterian and Congregational, together with the Discipline agreed upon by the General Council of the reverend elders and churches

[67] || of this Colony, assembled at Saybrook, September 9th, 1708, and by their order presented to the General Assembly holden in Newhaven, the 14th of October last, and approved by the said Assembly; and being revised, that the same shall be forthwith printed.

Upon consideration of the petition of John Hollister, senior, of Glassenbury, now presented to this Assembly, praying that an action of debt upon a bond of arbitration late depending between the said petitioner and Thomas Treat of Glassenbury, may be revived and heard and tryed at the court of assistants to be holden at Newhaven in October next, or else that the last judgment of the county court in the county of Hartford, upon the said action, be reversed; and this Assembly having heard the pleas of the said parties upon the said petition, do not see cause to grant either of the matters petitioned for; and this Assembly do adjudge the petitioner to pay to the said Thomas Treat the sum of seventeen shillings in pay, for his attendance at this Assembly upon the said petition, and that execution shall be granted for the same accordingly.

Upon consideration of the petition of Samuel Hale, John Hubbard, and Joseph Hollister, of Glassenbury, presented to this Assembly, praying that an action of trespass late depending in the court of assistants held at Hartford the 3d day of this instant month of May, between the said petitioners and Ephraim Goodrich of said Glassenbury, and there dismissed, may be revived and heard and tryed at the court of assistants to be holden at Newhaven in October next; and upon consideration of the pleas of the said parties upon the said petition: this Assembly do order, enact, and declare, that the said action is and shall be revived and heard, tryed and issued, at the court of assistants to be holden at Newhaven in October next, and that the said petitioners shall pay to the said Goodrich his cost of attendance at the said court of assistants held the third instant, and also the cost of his attendance at this Assembly at this time, which cost of attendance at this time is now allowed to be nineteen shillings in pay.

Upon consideration of the petition of John Dyxx, jun^{r}, of Hartford, presented to this Assembly, praying that an appeal may be granted to him from the judgment of the county court held at Hartford in March last past, given against the said John Dixx upon an action there depending between the said petitioner and Zachariah Sandford of Hartford; and this Assembly having heard the pleas of the said parties upon the said petition, do now grant and order, that the said John Dixx shall have an appeal granted to him by the county court of

the said county of Hartford, from the said judgment, to the court of assistants to be holden at Newhaven in October next; provided he shall give bond as the law requires in such case. And this Court do now order that the execution issued out upon the said judgment shall not be further prosecuted until the said appeal shall be heard, and the case tryed at the said court of assistants; and that the said John Dyx shall pay to the said Zachariah Sandford the cost of his attendance at this Assembly, which is allowed to be twenty two shillings and six pence in pay. *Execution was granted November 4th*, 1709.

This Assembly doth appoint and impower Mr. Ichabod Wells of Hartford, to survey and lay out unto and for Mr. Benjamin [68] Woodbridge, (or his || son, Mr. Samuel Woodbridge of Hartford,) the quantity of one hundred acres of the Colonys land, for the one half of two hundred acres of land granted to him by the General Assembly of this Colony, May 12th, 1681. Provided it shall be laid out where it may not prejudice any former grant, and at the cost and charge of the said Benjamin or Samuel Woodbridge.

This Assembly do nominate and appoint Doctor Jacob Read of Simsbury, Mr. Duran of Derby, and Mr. Wheelar of Stratfield, to be chirurgeons and physitians to go with the army in the expedition against Canada, or any two of them.

This Assembly do allow and grant that the commissary who shall march with the army from this Colony in the expedition against Canada, shall be allowed and paid out of the publick treasury of this Colony, the sum of five shillings per day for his wages, in country pay.

It is ordered and enacted by this Assembly, That Doctor Jacob Read shall be allowed and paid out of the publick treasury of this Colony, the sum of five shillings per day for his wages, in pay, provided he do go as doctor in the expedition against Canada. And this Assembly grants lycense to the said Jacob Read to practice phisick and surgery.

Whereas the General Assembly of this Colony, held at Hartford, May 8th, 1701, did give and grant to Mr. John Blackleach of Hartford, (administrator on the estate of his son, John Blackleach, late of Farmingtown, deceased,) full power to sell one certain piece or parcel of land of about twelve acres, lying and being in Hartford aforesaid, (which did sometime belong to Thomas Wells of said Hartford, deceased, and was by him mortgaged to John Sad, sometime of the same Hartford, deceased, who in his lifetime did bargain, sell and assign the same land so mortgaged to the said John Blackleach of Farmingtown, deceased,) to produce money to

pay a debt due to the executors of the said John Sadd, deceased, and the residue of the produce thereof the said Assembly did order to be improved for the benefit of the relict and children of the said Thomas Wells, deceased: And whereas the said Jn° Blackleach, then of Hartford, notwithstanding the said power given to him, did omit and neglect to sell the said land and to pay the said debt, which yet remains due and undischarged,—Therefore, this Court do now give and grant full power and authority to John Olcott of Hartford, the present administrator on the estate of the said John Blackleach late of Farmington, deceased, to sell the said parcel of land, and to make, seal and execute the necessary and lawfull deeds thereof, and of the effects thereof, to pay and discharge the said debt due to the executors of the last will of the said John Sadd, and the residue of the produce upon his sale to secure and improve for the benefit of the said relict and children. Provided always, the said John Olcott shall not make sale of the said land, nor dispose of the effects thereof, but by and with the advice and approbation of the court of probates in the county of Hartford.

Whereas the General Assembly of this Colony in sometime past did lycense and allow the executors of the last will and testament of John Hallam, late of Stoningtown, deceased, to sell some lands of the estate of the said deceased to procure money wherewith to pay his debts; and Fergus Medowell executor, and Prudence Minor executrix of the said will, having sold four acres and one rood of the land of the said Hallam to William Cheesbrough of Stoningtown, and one hundred and fifty two acres to the said William Cheesbrough, and four acres to Elnathan Minor, and one hundred and one acres to William Denison, and having improved the effects thereof in [69] paying the debts of the said || deceased: This Court do therefore now ratify, approve and confirm the several bargains and sales of land aforementioned, made by the executors aforenamed.

It is ordered and enacted by the Deputy Governour, Council and Representatives, now in General Court assembled, and by the authority of the same, That all collectors and naval officers appointed in the several ports within this Colony shall have for entering and clearing vessels and other things, the fees hereafter mentioned and set down, that is to say,

	l.	*s.*	*d.*
For entering one shilling, and clearing two shillings, coasting vessels, - - - - -	0	3	0
For entering and clearing vessels trading to foreign parts, each two shillings and six pence, - -	0	5	0

	l.	*s.*	*d.*
For every certificate to take up bond given in foreign parts,	0	3	0
For taking bond of coasting vessels,	0	2	0
For cancelling a bond,	0	1	0
For a permit,	0	1	0
For a bill of store,	0	1	0

This Assembly desire and impower Major Peter Burr, of Fairfield, and Mr. John Copp of Norwalk, and Mr. Josiah Starr of Danbury, to make a survey of the tract of land granted by the General Court in May, 1708, unto some of the inhabitants of the town of Norwalk, and to lay it out for a town plat, and to make return to the General Assembly at Newhaven in October next, of their doings therein, and of their opinion how many inhabitants the said tract of land may admit and contain.

It is ordered and enacted by the Deputy Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the constables in the several towns in this Colony shall from time to time take direction and advice from the authority and selectmen, when to set up and when to lay down the constables watch.

Whereas the General Assembly of this Colony, setting at Newhaven, October 10th, 1706, upon the report of a committee to them then made, did conclude, consent and agree with the Hon^{bl} John Winthrop, Esq^{r}, (then Governour of this Colony,) on behalf of himself and his brother, Wait Winthrop, Esq^{r}, for the issuing of all differences concerning the Queenabaug lands, in manner and form as in and by the record thereof then made, may and will appear: and whereas it was then concluded and agreed, that a resignation or release should be made by the said John Winthrop and Wait Winthrop to this corporation, of all their lands and rights which they claimed by the purchase of their father of and from Hyames, Aguntas, &c., Indian sachems, (except what is excepted in the said agreement,) by sufficient writings under their hands and seals, which hath yet and hitherto been omitted and neglected to be done and executed; and the said John Winthrop, Esq^{r}, being since deceased, and the said Wait Winthrop now being his survivor, and heir of the said lands and rights, hath appeared before this Assembly and offered to fullfill his part of the said agreement, provided that this Assembly shall fullfill their part thereof: therefore,

The Deputy Governour, Council and Representatives, now in General Court assembled, have resolved, and do resolve and conclude to abide by and fulfill the said agreement made Octo-

ber 10th, 1706, and do now order and enact, that upon the said Wait Winthrop his making and executing a resignation or release as aforesaid, that then a full release shall also be made and executed to and for the said Wait Winthrop by the Secretary of this Colony, under the seal of this corporation, in the name of this Assembly, pursuant to the intent of the said agreement aforementioned. And this Assembly do now hereby declare, that the lands which by the said agreement the said John Winthrop and Wait Winthrop did therein reserve for themselves, never was, neither is, nor shall be esteemed or [70] accounted to be || granted, or intended to be granted by this Assembly, unto the inhabitants or proprietors of the town of Kellingley, or to any other person or persons whatsoever, by any act or grant of this Assembly whatsoever, at any time made and passed since the said 10th day of October, 1706. And this Assembly do appoint and impower Mr. John Plumb, surveyor of the county of New London, and Mr. John Smith of Plainfield, as speedily as may be, (at the cost and charge of the said Wait Winthrop) to survey and lay out, to and for the said Wait Winthrop, the two farms of one thousand acres apiece, granted unto and confirmed upon him and his heirs by the said agreement, and by this Assembly at this time, the one lying north of the town of Plainfield, and the other lying north of the town of Canterbury, and to make sufficient monuments for bound marks of the same.

This Assembly do adjudge the selectmen of the town of Wethersfield to pay to the selectmen of the town of Farmington twenty two shillings and nine pence country pay, for the cost of their attendance upon the petition of Wethersfield at this Assembly in May, 1708, and that execution be granted for the same.

This Assembly do adjudge Capt. Samuel Eells of Milford to pay to Mr. John Read of Stratford the sum of twenty four shillings, for the cost of his attendance upon the petition of the said Eells now at this Assembly, and that execution be granted for the same.

It is ordered and enacted by this Assembly, That all those persons who do inhabit within the bounds and limits of the village called the Great Swamp, in or near the town of Farmingtown, shall pay their ratable proportion of the charge of setting up and maintaining the publick worship of God there, as it shall arise upon their persons and estates by list thereof made as the law directs; and also that all persons whatsoever, who do improve lands within the said village limits, shall for such lands pay their ratable proportion of the said charge, althô they do not personally inhabit there.

It is ordered and enacted by the Deputy Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the Council to assist the Governour, or in his absence the Deputy Governour, in the intervals of the General Assembly, shall consist of two of the Assistants at least, and four able, judicious freemen, such as the Governour, or in his absence the Deputy Governour, shall see cause to call to Council; who shall have power in the intervals of this Assembly to manage the affairs of this Colony according to charter, they not to raise men to send out of the Colony, unless in case of exigency, nor to raise money.

This Assembly grants full power and authority to Capt. Aaron Cook and Mr. Rich[d] Edwards of Hartford, to sell so much of the houseing and lands belonging to Nathanael Wilson of Hartford, (an idiot or distracted person,) as may and shall be sufficient to procure money for his support and maintenance from time to time, and also for the payment of all his just debts, according to the advice and direction of the court of probates in the county of Hartford.

Whereas sundry small towns in this Colony are exempted by some late acts of the General Assembly from paying rates to the publick treasury of this Colony: but this Assembly now considering the great charge that will arise this present year, by reason of the expedition against Canada, do order and enact, that the inhabitants of all those towns so exempted shall, notwithstanding any such acts, for this present year, pay their proportion of the publick charge of this Colony, equal with all other towns within the same, excepting three pence upon the pound of all their ratable estate and persons in the list, which shall be abated to them.

[71] Upon consideration of the great charge that will arise this present year by reason of the expedition against Canada, this Assembly do order and enact, that for this present year now begun, all persons whatsoever within this Colony shall be entred in the publick lists of estates, and shall bear and pay their proportion of the publick charges of this Colony in this present year. The heads or poles of such as are exempted by law by reason of bodily infirmity, and the heads or pole of all settled ministers, and the estates of all such ministers in the list to the sum of forty two pounds, are and shall be now exempted out of this act.

This Assembly grants to Mr. John Elliot, Speaker, thirty shillings in pay, and to Capt. Richard Bushnell, Clerk, twenty five shillings in pay, for their good service in the Lower House at this session.

Upon consideration of the petition of the inhabitants of the town of Wallingford, this Assembly grants liberty to them to improve the forty shillings upon the thousand pounds in their list for the school, for two years now next coming, towards the support and maintenance of their aged minister there, and settling another minister among them; provided they shall take effectual care that their children be learned at their own charge.

It is ordered and enacted by this Assembly, That Stephen Sherwood of the town of Rye shall have a patent made and executed to him according to law, of a certain tract of land lying within this Colony, between the line or boundary between this Colony and the Province of New York, and the west or northwest bounds of the town of Greenwich; which tract of land he purchased of the town of Rye, as appears by a deed bearing date November 15th, 1708; and that the said patent shall be made and given out to him, when he said Sherwood shall obtain and produce a survey and plat of the said land, describing the quantity and situation of the same.

Mr. John Read of Stratford appeared before this Assembly, and declared that he did not intend to offer any contempt upon the Hon^{bl} Court of Assistants setting at Hartford the 11th instant. It is therefore ordered by this Assembly, that if the said John Read shall appear before the Court of Assistants at their next session, and there profess and declare to them that he did not intend to reflect upon them in manner and form expressed in their record, or in any other manner whatsoever, and that he will always be careful not to give any occasion of their resentments, that then said Read shall be admitted to exercise the office of attorney in the said court of assistants, as before.

Whereas there hath lately been discovered a Copper Mine at Simsbury, which hath been so improved as to give a good satisfaction to conclude that a publick benefit may arise therefrom: Now for the better incouraging, directing and enabling the proprietors and undertakers, or others that are or may be concerned therein, their heirs and assigns, to manage, carry on and improve said mines to the best advantage,

It is therefore by this Assembly ordered and enacted, That all the copper mines that are or may be found in the common lands at Simsbury shall be managed and improved by the consent and approbation of the major part of the proprietors, which majority shall arise from the greatest part of interest or pro-
[72] priety, who still shall be under such || regulation, order

and direction, as this Court shall think needful from time to time to establish, for the better managing the said mine.

And it is hereby further enacted, That if any of the proprietors of the said mines shall neglect or refuse to improve and carry on his or their part or proportion in the said mines, in equal proportion with the rest of the proprietors, either in their labour or payments of money, that it shall be lawful for any other of the proprietors to enter upon and improve the part or proportion of mine belonging to the person so neglecting, and to hold and improve the same, till from the profits thereof he shall be repaid four fold for the charge and expence he shall be at in managing said part; the same rule shall also be attended in the case of orphans whose guardians shall neglect or refuse to improve their wards part or propriety in the said mines.

And it is further enacted, That the proprietors of said mines shall once every year have a general meeting, the first to be on the third Tuesday of June next, and on the following years on the third Tuesday in April, and oftener as they shall see cause, to order and direct the affairs and business of the said mine, and to choose and appoint a committee whom they may impower for the ordinary affairs of the said mine, or to call meetings of the proprietors on any special occasion.

And that there may be as little delay or discouragement in carrying on the affairs of said mines, by any quarrels, differences or law suits, that may at any time happen to arise either between the proprietors themselves or between them and the undertakers, all, or any of them, or other person or persons concerned in or about said mine: This Court doth appoint William Pitkin and John Haynes, Esq^{rs}, and Mr. John Hooker, to be their Commissioners, and do hereby fully impower and enable them to hear, issue and determine all the said controversies or differences, quarrels or law suits; and if the matter contested shall exceed the value of forty shillings, the said commissioners are hereby enabled to impannel a jury of twelve lawful men, for the issuing and determining the said quarrels or suits that do or may arise from any difference respecting the said mines; the managing or improving thereof, and the fees of said court shall be as are by law allowed in the county courts; and the aforesaid commissioners shall continue in the said commission for the year ensuing, at the end of which this Court shall either renew their power or appoint others in their room, as they shall see cause.

This Assembly do adjudge Bevell Waters of Hartford to pay to Robert Sandford of Hartford, the sum of five shillings in

pay, for the cost of his attendance at this Assembly upon the said Waters his petition, and that execution shall be granted for the same. *Execution was granted September 9th*, 1709.

This Assembly grants full power to George Stillman of Wethersfield and Mary Smith of Hartford, administrators on the estate of Deacon Samuel Smith, late of Hartford, deceased, to sell so much of the land of the said Samuel Smith as shall be necessary to defray the debts remaining due from that estate, according to the order and direction of the court of probates in the county of Hartford; which power was granted to the said administrators by this Assembly in May, 1708, but by some means happened to escape the record.

For the preventing Unnecessary Charge and Loss of Time in the several Courts of Common Pleas within this Colony: [73] *It is enacted and ordained by the Deputy Governour, Council and Representatives, in General Court assembled, and by the authority of the same*, That jurors and witnesses in civil causes shall be summoned to attend the said courts at eight of the clock on the third day of the sessions of the said courts, and not before; and that all pleas in abatement of writs shall be heard and determined by the said courts, and issue or issues in every case aforesaid shall be made and joyned and an entry thereof made before the jury is impannelled, which issue or issues the jury shall be sworn to try. And upon every appeal from a determination of pleas made in abatement of the writ, the cause shall be referred to the next sessions of the court of assistants, where the pleas in bar shall be finally issued, and the issue joyned. And in case the defendant will not make up or joyn issue, judgment shall go against him upon a nihil dicit, unless he shall demur in law only, in which case the bench shall determine the cause thereupon.

The whole record of the several acts, grants and orders of this Assembly, as they stand in the pages of this book next preceding, was read in the presence of both Houses, and ordered to be signed by the Secretary as perfect and compleat.

Caleb Stanly Secretary.

May 20th, 1709, This Assembly is adjourn'd until the Governour or Deputy Governour shall see cause to call them to meet again.

CONNECTICUT COLONY.

AT A GENERAL ASSEMBLY CALLED BY SPECIAL ORDER OF THE HONOURABLE THE GOVERNOUR AND COUNCIL, AND HOLDEN AT NEWHAVEN ON THE 8TH DAY OF JUNE, IN THE EIGHTH YEAR OF THE REIGN OF OUR SOVEREIGN LADY ANNE, QUEEN OF GREAT BRITTAIN, &C. ANNOQUE DOMINI 1709, AND CONTINUED BY SEVERAL ADJOURNMENTS TO THE 11TH DAY OF THE SAME MONTH.

Present at this Assembly were,

The Honourable Gurdon Saltonstall, Esq^r^, Governour.
The Honourable Nathan Gold, Esq^r^, Deputy Governour.

Assistants,

John Hamlin, Esq^r^,
William Pitkin, Esq^r^,
John Chester, Esq^r^,
Joseph Curtis, Esq^r^,
Josiah Rossetter, Esq^r^,
Richard Christophers, Esq^r^,
Peter Burr, Esq^r^,
John Alling, Esq^r^.
Samuell Eells, Esq^r^.

Deputies or Representatives that were present and attended at this Assembly were as hereafter followeth: viz.

[74] Mr. Joseph Talcott, Mr. Nathanael Hooker, for Hartford.
Mr. Jeremiah Osborn, Mr. Abraham Bradley, for Newhaven.
Capt. John Osbourn, Mr. James Bennit, for Fairfield.
Mr. Jonathan Law, for Milford.
Capt. Robert Wells, Capt. Thomas Wells, for Wethersfield.
Mr. Thomas Gates, for Haddam.
Mr. William Maltbie, Capt. Nathanael Harrison, for Branford.
Mr. John Hooker, for Farmington.
Mr. William Lathan, for Groton.
Mr. James Beebee, Mr. Josiah Starr, for Danbury.
Mr. John Russell, Mr. Daniel Collins, for East-haven.
Mr. Joseph Peck, for Lyme.
Mr. Joseph Phelps, for Simsbury.
Mr. Thomas Williams, for Plainfield.
Mr. Joseph Beckus, for Norwich.
Mr. Samuell Brinsmead, for Derby.
Capt. John Parks, for Preston.
Mr. John Griswold, for Killingworth.
Mr. Joseph Knap, Mr. Joseph Finch, for Greenwich.
Mr. William Gallop, for Stoningtown.
Mr. Samuell Hale, for Glassenbury.
Mr. William Parker, Mr. Benjamin Lord, for Saybrook.

Mr. John Sherman, Capt. John Minor, for Woodbury.
Mr. Samuell Keelar, for Norwalk.
Mr. Timothy Stanly, Mr. Thomas Judd, for Waterbury.
Capt. Nathanael White, Capt. John Hall, for Middletown.
Mr. Joshua Ripley, Mr. Jonathan Crane, for Windham.
Mr. Michael Tainter, Mr. Samuel Loomis, for Colchester.
Capt. William Clark, Capt. Jeremiah Fitch, for Lebanon.
Capt. Thomas Yale, Capt. John Merriman, for Wallingford.
Mr. John Eliot, Major Mathew Allyn, for Windsor.
Mr. James Hooker, Mr. John Seward, for Guilford.
Mr. Stephen Bishop, for Stanford.
Capt. James Judson, Mr. Ephraim Stiles, for Stratford.

Of these Deputies there were absent, Major Mathew Allyn, 3 days; Mr. Timothy Stanly, W^m^ Gallop, W^m^ Parker, Stephen Bishop, Tho. Williams, William Lathan, Jn^o^ Griswold, Josiah Starr, James Beebee, John Parks, Joseph Knap, and Joseph Finch, each of them one day.

John Eliot, Esq^r^, was Speaker, } of the House of Represent-
Mr. Jonathan Law, Clerk, } atives.

By order of the Hon^bl^ the Governour, the Gent: members of both Houses being met together, his Honour laid before them an account of what he had lately agreed to and done at New York, (from whence he is just returned,) on the behalf of this Colony, with the Lieutenant Governours of New York, New Jersey and Pensilvania, relating to the expedition against Canada; and also of what hath been and is consented and agreed to by himself and the said Governours, for the carrying on of that expedition; and likewise of what is now further thought necessary to be done by this Assembly, for the better management of the same; and recommended the consideration thereof to this Assembly.

Whereas the Hon^bl^ our Governour has laid before this Assembly the general settlements of affairs relating to the expedition against Canada, by way of Albany, which his Hon^r^ in conjunction with the Hon^bl^ Richard Ingoldsby, Esq^r^, Lieutenant Governour of the Provinces of New York and New Jersey, and the Hon^bl^ Charles Gookin, Esq^r^, Lieut. Governour of the Province of Pensilvania, lately agreed upon at New York: This Assembly doth approve of the said settlement, and desire his Hon^r^ the Governour by letter to signifie their approbation thereof to the Hon^bl^ Coll^o^ Francis Nicholson and Coll^o^ Peter Schuyler, Esq^rs^, and particularly of the respective commands that they each of them in the said settlement are intrusted with in said expedition.

Richard Christophers of New London, Esq^r^, John Alling of

Newhaven, Esq^r^, John Eliot, of Windsor, Esq^r^, and Mr. Elisha Holly, of Stanford, are by this Assembly chosen and appointed to audit the Colonys accompts with the Treasurer.

[75] This Assembly do establish and confirm Mr. Joseph Peck to be Lieutenant, and Mr. Samuel Gunn to be Ensign of the second company or trainband in the town of Milford.

This Assembly do establish and confirm Theophilus Hull to be Lieutenant, and Samuell Couch to be Ensign of the west company or trainband in the town of Fairfield.

Upon consideration of the petition of John Edwards of Boston, mariner, (son of Capt. Thomas Edwards, late of Stratford, deceased,) now presented to this Assembly, praying that the power and liberty granted by this Assembly in October last to Mary Edwards, administratrix on the estate of the said Thomas Edwards, deceased, to sell the real estate of the said deceased, or part thereof, for the payment of his debts, (for sundry reasons contained in his said petition,) may be suspended and superceded until he might have opportunity to make appear that the said real estate ought not to be sold: It is ordered by this Assembly, that the sale of the said houseing and land by the said administratrix shall be suspended, and it is hereby suspended until the General Assembly in October next, when the reasons of the said petitioner against the sale of the said land shall be heard, the said administratrix being notified to be present if she shall see cause, and such further order therein taken as the General Assembly shall see meet.

This Assembly orders, that a small sloop be provided at the Colonys charge, to go with the fleet to Canada, to be an hospital for our sick and wounded men, and for other services.

This Assembly allows and grants, that there shall be paid out of the next rate, for the stores impressed, or that may be impressed, for the expedition against Canada, three pounds per barrel for pork, (being well repackt,) as money; and four shillings and six pence per bushel for wheat, as money; and two shillings and three pence per bushel for Indian corn, as money.

An Act for the stating of the Fees of the Officers in the several Ports of this Colony, and for repealing two former Acts of this Assembly relating thereto, and for obliging all Masters of Vessels to make Oath at their entring of their vessels in the Naval Office.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all collectors, deputy collectors, and naval

officers, appointed in the several ports within this Colony, shall have for entring and clearing vessels, and other things, the fees hereafter mentioned and set down, in money, and no other, that is to say,

	l.	*s.*	*d.*
For entring coasting vessels, each,	0	1	6
For clearing coasting vessels, each,	0	1	6
For entring ships or other vessels from foreign parts, each,	0	2	6
For clearing ships or other vessels for foreign parts, each,	0	2	6
For taking bond of coasting vessels,	0	2	0
For taking bond of vessels bound to foreign parts,	0	4	0
For every certificate for coasting vessels to take up a bond,	0	1	6
For every certificate to take up bond given in foreign parts,	0	2	0
For cancelling a bond,	0	0	6
For a permit for a vessel to load,	0	1	0
For a bill of store,	0	1	0

And be it further enacted by the authority aforesaid, That what collector, deputy collector, or naval officer soever, within this Colony, shall ask, demand and take any greater fees than are before mentioned, for the matters aforesaid, or any of them, [76] or any other fees whatsoever, and be thereof ‖ duly convicted in any court of record within this Colony, shall forfeit and pay the sum of ten pounds currant money, one moiety whereof shall be unto the publick treasury of this Colony, and the other moiety to the informer or him that shall sue for the same in any court of record; and shall further pay unto the party grieved, double the value of the excessive fees so taken.

And be it enacted and ordained by the authority aforesaid, That one act of the General Assembly of this Colony, made and passed at a session at Newhaven, October 8th, 1702, for stating naval officers fees, and one other act of this Assembly made and passed at the session at Hartford, May 12th, 1709, for stating the fees of collectors and naval officers, be and are hereby wholly repealed and made null and void.

And it is further enacted by the authority aforesaid, That all masters of vessels trading into any parts or port in this Colony, shall at the port where they enter their said vessels take before the naval officer there the following oath, (who is hereby impowred to administer the same,) that is to say,—You A. B. master of the sloop H. swear by the living God, that you will now give me a true account and make entry of all wine, rum and brandy imported in your vessel, So help you God.

CONNECTICUT

No 1277 3s

THIS INDENTED BILL OF THREE SHILLINGS

Due from the Colony of Connecticut in New England to ye Possessor thereof shall be in value equal to Money; And shall be accordingly accepted by the Treasurer & Receivers subordinate to him; and for any Stock at any time in ye Treasury. Hartford July the twelfth Anno Dom: 1709. By Order of ye General Court

John Eliot
John Haynes
John Chester
} Com=tee

An Act for making and emitting Bills of Publick Credit.

Forasmuch as by reason of the great scarcity of money, the payment of the publick debts and charges of this government, especially in the intended expedition to Canada, is made almost impracticable: for remedy whereof,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there be forthwith imprinted a certain number of bills of credit on this Colony, in suitable sums from two shillings to five pounds, which in the whole shall amount to the sum of eight thousand pounds and no more; which bills shall be indented and stamped with such stamps as the Governour and Council shall direct, and be signed by a committee appointed by this Court, they or any three of them, and of the tenor following, that is to say,

No. ( ) 20*s*.

This indented bill of twenty shillings due from the Colony of Connecticut in New England, to the possessor thereof, shall be in value equal to money, and shall be accordingly accepted by the treasurer and receivers subordinate to him, in all publick payments, and for any stock at any time in the treasury. Hartford, July the twelfth, Anno Dom. 1709. By order of the General Court.

J. C.
J. H. } Committe.
J. E.

And so mutatis mutandis for a greater or lesser sum.

And the said committee are hereby impowred with the advice of the Governour, to take care as soon as may be, to imprint the said bills to the sum of eight thousand pounds as aforesaid, and to sign and deliver the sum of four thousand pounds thereof, and no more, to the treasurer, taking his receipt for the same; and to keep the other four thousand pounds unsigned in their own hands, until further order from [77] this Court; and || the said committee shall be under oath for the faithful management of the affair aforesaid, and trust in them reposed.

And be it further enacted by the authority aforesaid, That the treasurer be, and hereby is ordered and impowred to issue forth and emit the said bills towards payment of the publick debts of the Colony already contracted, and the further necessary charge thereof, according to such order as shall from time to time be given him according to law. And the said bills shall pass out of the treasury at the value therein expressed, equivalent to money, and shall be taken and accepted in all

publick payments at the advance of twelve pence on the pound more.

And be it further enacted and declared by the authority aforesaid, That as a fund and security for the repayment and drawing in of the said bills to the treasury again, and for defraying any further charge of the Colony, this Court grants a rate of ten pence on the pound in money; one moiety thereof to be levyed according to the next list of heads and estates, and shall be paid into the treasurer on or before the first day of May in the year of our Lord God one thousand seven hundred and ten; and the other half to be levyed according to the list of heads and estates to be made in the year 1710, and to be paid into the treasurer on or before the first day of May in the year of our Lord one thousand seven hundred and eleven. And liberty is granted for any person to pay his rate either in bills of credit, silver money, or in pork at fifty shillings per barrel, or beef at thirty shillings per barrel, winter wheat at four shillings per bushel, rye at two shillings four pence per bushel, and Indian corn at two shillings per bushel; the grain to be all good and merchantable, and the pork and beef to be good and well repackt, with the packers mark thereon; and no person shall have liberty to pay above two thirds of his rate in rye and Indian corn.

And it is further provided and enacted by this Court and the authority thereof, That no person to whom the Colony is or shall be indebted shall be obliged to receive out of the treasury any grain or other provision but what is good and merchantable; and if any dispute shall at any time arise about the merchantableness of the grain or other provision tendred to the constables or receivers of the rate, or that happens to be damnified after it is received, it shall be determined by the judgment of one indifferent person under oath, to be appointed and sworn by the next assistant or justice of the peace.

And Major John Chester, Mr. John Haines, Mr. Caleb Stanly, Secretary, Mr. John Eliot, and Mr. Joseph Talcott, are by this Assembly appointed a committee, they or any three of them, to sign the said bills of credit which are to be emitted as aforesaid, and to take care of the same.

This Assembly doth grant and allow to the gentlemen who shall be employed chaplins for the army on the expedition against Canada, captains wages, for their service therein.

This Assembly doth desire that the officers and souldiers going on the expedition to Canada, out of this Colony, do make choice of the chirurgeon that is yet wanting, and that the hon^{bl} the Governour do give order for his attending the service.

Major John Chester is by this Assembly appointed to be a member of the Committee of War, appointed in the county of Hartford in October last.

[78] This Assembly doth allow twelve shillings to the Speaker, and eight shillings to the Clerk, for their service in the House of Representatives at this present session.

The whole record of the several acts, grants and orders of this Assembly, as they stand in the pages of this book next preceding, was read in the presence of both Houses, and ordered to be signed by the Secretary as perfect and compleat.

CALEB STANLY, Secry.

June 11th, 1709. This Assembly is adjourn'd until the Governour or Deputy Governour shall see cause to call them to meet again.

CONNECTICUT COLONY.

A GENERAL ASSEMBLY HOLDEN AT NEWHAVEN, IN HER MAJESTIES COLONY OF CONNECTICUT, IN NEW ENGLAND, ON THURSDAY, THE 13TH DAY OF OCTOBER, IN THE EIGHTH YEAR OF THE REIGN OF OUR SOVEREIGN LADY ANNE, QUEEN OF GREAT BRITTAIN, &C., ANNO DOM., 1709.

Present at this Assembly,

The Honourable Nathan Gold, Esq^r, Deputy Governour.

Assistants,

Nathanael Stanly, Esq^r,	Daniell Wetherell, Esq^r,
John Hamlin, Esq^r,	Peter Burr, Esq^r,
Joseph Curtis, Esq^r,	Josiah Rossetter, Esq^r,
John Chester, Esq^r,	John Haynes, Esq^r,
John Alling, Esq^r.	Samuell Eells, Esq^r,

Deputies or Representatives that were present and attended at this Assembly were as hereafter followeth, viz:

Capt. Joseph Talcott, Mr. Nathanael Hooker, for Hartford.
Mr. John Todd, Mr. John Bassett, for Newhaven.
Mr. James Rogers, Mr. Joshua Hempstead, for New London.
Mr. Theophilus Hull, Mr. David Shermon, for Fairfield.
Mr. Samuell Avery, Mr. Joshua Bill, for Groton.
Mr. James Wells, Mr. Thomas Gates, for Haddam.
Mr. Miles Murwine, Mr. Joseph Garnsey, for Milford.
Mr. John Mitchell, for Woodbury.

Capt. Abraham Fowler, Mr. John Collins, for Guilford.
Mr. Timothy Stanly, Mr. John Hopkins, for Waterbury.
Mr. Ephraim Minor, for Stoningtown.
Mr. John Hawley, Mr. Daniell Pickett, for Stratford.
Capt. John Higley, Mr. Joseph Phelps, for Simsbury.
Mr. Abraham Brounson, Mr. John Lee, for Lyme.
Mr. John Moore, Mr. Roger Woolcott, for Windsor.
Mr. Samuell Hale, Mr. Thomas Kimberly, for Glassenbury.
Mr. Nathanael Lynde, Major John Clarke, for Saybrook.
Mr. John Sprague, Mr. Joseph Bradford, for Lebanon.
Mr. William Maltbie, Capt. Nathanael Harrison, for Branford.
Mr. Joshua Ripley, Mr. Joseph Cary, for Windham.
Capt. Nathanael White, Capt. John Hall, for Middletown.
[79] Mr. John Riggs, for Derby.
Mr. Stephen Bishop, Mr. Elisha Holly, for Stamford.
Mr. Joseph Wright, for Colchester.
Mr. James Beebee, Mr. Wakefield Dibble, for Danbury.
Mr. Solomon Tracy, Mr. Joseph Beckus, for Norwich.
Mr. Daniell Brewster, for Preston.
Mr. Samuell Keelar, Mr. Joseph Platt, for Norwalk.
Capt. Thomas Yale, Capt. John Merriman, for Wallingford.
Mr. Ebenezer Mead, for Greenwich.
Mr. Thomas Williams, for Plainfield.
Capt. Thomas Hart, Mr. John Hooker, for Farmington.
Mr. Robert Lane, Capt. John Crane, for Killingworth.
Capt. Robert Wells, Mr. William Warner, for Wethersfield.
Mr. John Russell, for East-haven.

Capt. Thomas Hart, Speaker, } of the House of Repre-
Mr. John Hooker, Clerk, } sentatives.

An account of several of these deputies being absent from this Assembly some days, is entred at the end of the record of this session.

The gentlemen nominated by the votes of the freemen, (brought in, at this Assembly,) to stand for Election in May next, are as followeth, viz:

The Honourable Gurdon Saltonstall, Esq^{r}, the Honourable Nathan Gold, Esq^{r}, Daniell Wetherell, Esq^{r}, Nathanael Stanly, Esq^{r}, John Hamlin, Esq^{r}, William Pitkin, Esq^{r}, Joseph Curtis, Esq^{r}, John Chester, Esq^{r}, Josiah Rossetter, Esq^{r}, Richard Christophers, Esq^{r}, Peter Burr, Esq^{r}, John Alling, Esq^{r}, John Haynes, Esqr, Samuell Eells, Esq^{r}, Lt. Coll^{o} Mathew Allyn, Capt. Abraham Fowler, Mr. John Eliot, Mr. John Hooker, Capt. Joseph Talcott, Mr. Richard Lord.

The sums of the Lists of the Persons and Estates of the several towns within this Colony, exhibited in this Court, by their Deputies respectively, are as followeth, viz:

	l.	*s*	*Milles.*		*l.*	*s.*	*Males.*
Hartford,	18176	14,	230.	Hebron,	521	0,	.
Newhaven,	17055	4,	260.	Derby,	2856	16,	49.
New London,	10288	3,	188.	Lebanon,	5311	16,	112.
Fairfield,	16708	16,	.	Saybrook,	7861	15,	.
Windsor,	13406	4,	297.	Easthaven,	2567	0,	40.
Wethersfield,	15013	0,	240.	Stanford,	8244	16,	110.
Farmington,	7879	18,	.	Norwich,	10070	8,	155.
Middleton,	9363	4,	190.	Groton,	6499	16,	105.
Simsbury,	4093	17,	55.	Greenwich,	4791	0,	64.
Haddam West,	2588	18,	54.	Norwalk,	8383	15,	100.
Haddam East,	3001	4,	60.	Lyme,	6911	2,	131.
Windham,	3474	7,	83.	Danbury,	3018	7,	57.
Colchester,	3545	0,	.	Killingworth,	3875	19,	.
Glassenbury,	3149	10,	61.	Plainfield,	2021	0,	55.
Waterbury,	2119	10,	43.	Stoningtown,	8496	13,	135.
Milford,	13462	0,	170.	Preston,	4218	10,	74.
Branford,	6510	13,	80.	Woodbury,	3598	0,	79.
Guilford,	11112	16,	170.	Canterbury,	1619	10,	35.
Wallingford,	8445	0,	122.	Stratford,	13671	10,	.
Durham,	1918	0,	47.	Kellingley,	739	0,	.
Mansfield,	1689	0,	37.	Mashamugett,	920	0,	.

This Assembly do establish and confirm Mr. John Coe to be Captain, Mr. Jerremiah Judson to be Lieutenant, and Mr. Josiah Curtis to be Ensign of the southermost, or first company, or trainband, in the town of Stratford.

This Assembly do establish and confirm Mr. John Hawly to be Captain, Mr. Ebenezer Curtis to be Lieutenant, and Mr. James Lewis to be Ensign of the northermost, or second company, or trainband, in the town of Stratford.

[80] This Assembly do establish and confirm Mr. John Howd to be Ensign of the company or trainband in the town of Branford.

This Assembly do establish and confirm Mr. Elnathan Minor to be Ensign of the first company or trainband in the town of Stoningtown.

This Assembly do establish and confirm Mr. Theophilus Hull to be Captain, Mr. Samuel Couch to be Lieutenant, and Mr. John Osbourn to be Ensign of the westermost company, or trainband in the town of Fairfield.

This Assembly do establish and confirm Mr. Samuel Parsons to be Lieutenant, and Mr. Samuell Fairchilde to be Ensign of the company or trainband in the town of Durham.

This Assembly do establish and confirm Mr. John Grave to be Lieutenant of the first company or trainband in the town of Guilford.

This Assembly do establish and confirm Mr. David Sherman to be Captain, Mr. Samuel Hubbell to be Lieutenant, and Mr. Richard Hubbell to be Ensign of the company or trainband in the village of Stratfield.

This Assembly do establish and confirm Mr. John Merriman to be Captain, Mr. John Hall to be Lieutenant, and Mr. Samuel Royce to be Ensign of the company or trainband in the town of Wallingford.

This Assembly do establish and confirm Mr. Thomas Gates to be Captain of the company, or trainband, on the east side of Connecticut River in the town of Haddam.

Upon consideration of the petition of Hannah Tompson of the City and Province of New York, presented to this Assembly (by Phillip Lewis, her attorney,) praying that an action of debt late depending in the court of assistants, held at Newhaven, the 4th day of this instant month of October, between the petitioner and John Wheelar and Hannah his wife, and David Sherman of Stratfield, administrators on the estate of Samuel Wheelar, late of Stratfield, deceased, and there dismissed by the judgment of that court, declaring the said petitioner (then plaintiff) to be nonsuited, may be revived, and heard and tryed at the court of assistants to be holden at Hartford in May next; and that no execution may be issued forth upon the said judgment until that time; and that a determination may be made by the said court in May next, who shall pay all the charges of the said suit or action, according as the said debt shall be found due or not: and this Court having heard the pleas of the said parties, upon the said petition, do order, enact, and declare, that the said action is, and shall be revived, heard, tryed and issued, at the said court of assistants to be holden at Hartford in May next, accordingly; and that the said John Wheelar shall recover of the said petitioner the cost of his attendance at this Assembly, which is allowed to be eleven shillings in pay; and that execution at the suit of the said John Wheelar shall be granted accordingly, against the said Phillip Lewis, attorney aforesaid.

Upon consideration of the petition of Miles Murwine of Milford, relating to an action of slander, late depending and

last tryed at the court of assistants held at Hartford in May last past, between Major Samuel Eells and the said Miles Murwine, praying that this Assembly would either make null and void all former proceedings upon the said action, or else grant liberty of one more tryal of the said action before the court of assistants: and this Assembly having heard the pleas of both the said parties, do not see cause to grant to the petitioner either of the matters petitioned for, but do adjudge the said Miles Murwine to pay to the [said] Samuel Eells the cost of his attendance at this Assembly, upon the said petition, which is allowed to be eight shillings and four pence in pay; and that execution shall be granted for the same accordingly.

Upon consideration of the petition of Joseph Beckus of Norwich, relating to the late prosecution of Benjamin Armstrong, junior, of said Norwich, at the county court held at New London in June last past, as a delinquent, for lying, [81] praying this Assembly ‖ to order that some estate taken from the petitioner by virtue of an execution issued out of the said county court, for charges there recovered by said Armstrong against the said Backus, may, by the order of this Court, be returned to him again;—and this Assembly, having heard the pleas of both the said parties, and finding that the law intends that either the supposed delinquent, or else the county, shall bear and pay the cost of such prosecution, are of opinion that none of the said costs should have been awarded against the said Beckus, being only an informer in the case. This Assembly do therefore determine and order, that the said Benjamin Armstrong shall procure, return and deliver to the said Joseph Backus the said estate taken in execution as aforesaid; or that in lieu thereof, he shall pay to the said Backus the sum of three pounds and nine shillings in country pay; and that execution shall be granted accordingly. *Execution was granted November 4th*, 1709.

James Rogers, jun^{r}, (son of James Rogers) of New London, presented a petition to this Assembly, wherein he complains, that whereas by the last will of his grandfather, James Rogers, formerly of New London, deceased, or by an agreement made by and amongst his children, two of them, viz., John Rogers and Bathshua Fox, were ordered to administer on the estate of the said deceased, (wherein the said petitioner, as he saith, hath a considerable interest,) the said John Rogers and Bathshua Foxx have not administred thereon according to the order of law, and have not ever yet made and exhibited in the court of probate in the county of New London, and recorded

there, any inventory of the said estate, but do dispose thereof at their will and pleasure, without giving any account of the same:—Upon consideration of which petition, this Assembly do enact and order, that the court of probate in the said county of New London, upon application to them made by the petitioner on that behalf, shall issue forth a writ to summon the said John Rogers and Bathshua Foxx, to appear before that court, and render an account of the said estate, in, and by a true inventory thereof upon oath, and of their administration thereon; and that in case the said John and Bathshua shall not appear according to such writ, or shall refuse to render and make an accompt, and an inventory as aforesaid, then the said court of probate shall grant letters of administration upon the said estate with the said will and agreement annext, unto the petitioner, or to such other person or persons as they may think meet, taking bond as the law requires in such case; to the end that a just division may be thereof made, amongst the children of the said deceased and their legal representatives. And this Assembly have considered that the said James Rogers, the petitioner, shall recover of and from the said John Rogers and Bathshua Fox, the sum of forty seven shillings and two pence currant money, for the cost of his said petition and prosecuting the same. *Execution was granted on this judgment, May 5th*, 1710.

This Assembly do order and appoint William Pitkin, John Haynes, and Joseph Talcott, Esq[rs], or any two of them, with Mr. Caleb Stanly, surveyor of lands in and for the county of Hartford, a committee to survey and run the northern line or boundary of the town of Windsor, as it ought to be run and surveyed according to the true intent and meaning of the grants of the General Assembly of this Colony, formerly made to the inhabitants of that town, by their best direction; and to make or cause to be made monuments or bound marks therein, according to the direction of law, that the same may be visible and known. And this Assembly do also order, that the said committee do make a report of what they shall do therein, with the manner of their proceedings, unto this Assembly in May next; and that the said work be done at the proper cost and charge of the inhabitants of the said town of Windsor.

[82] This Assembly do establish and confirm Mr. Joseph Bishop to be Lieutenant of the company or trainband in the town of Stamford.

It is ordered and enacted by this Assembly, That all the several collectors, naval officers and receivers whatsoever, of the

duties of excise and impost on wine, rum, and other liquors and drink, due to the treasury of this Colony, shall render an accompt according to law, of all that they have received and shall receive of the said duties, until the last day of November next, unto the treasurer of this Colony, upon his demand, and also pay and deliver all the money they have received and shall receive as aforesaid, unto the said treasurer for the use of this Colony. And the treasurer is hereby ordered and impowred to demand and receive of the said officers, all the said money due, and to be due as aforesaid, and accompts as the law requires, and to allow and pay out of the said duties to the said officers their part thereof according to law; and to lay an account thereof before this Assembly in May next.

Whereas the General Assembly of this Colony, held at Newhaven, October 14th, 1703, upon the request of Rachell Mead, widow, relict of Nathanael Mead, late of the town of Greenwich, deceased, did grant power to Capt. Jonathan Sellick and Mr. Samuell Hoit, to give legal conveyances of several parcels of land, which the said Nathanael Mead sold and alienated in his life time, but did not give deeds thereof, that is to say, a small parcel of woodland of about eight acres and an half, lying in the bounds of Greenwich, and five roods of meadow lying in the bounds of Stanford, also his right in Coscob Neck, also for ten acres of land exchanged by the said Nathanael Mead for ten acres of land which is inventoried to the estate of the said Nath. Mead: And whereas the said Jonathan Sellick and Samuell Hoit have refused and do refuse to accept that trust, and to give conveyances of the said land: This Assembly do therefore now grant full power and authority to James Ferris, jun^{r}, of Greenwich aforesaid, (who hath marryed the said Rachell Mead, widow,) to give legal and sufficient deeds and conveyances of the said several pieces of land aforementioned, according to the intent of the bargain and sale thereof made by the said Nathanael Mead in his life time.

Whereas the General Assembly of this Colony, held at Hartford, May 12th, 1709, did grant liberty and full power to Sarah Crane of Wethersfield, widow, administratrix on the estate of her late husband, Joseph Crane of said Wethersfield, deceased, to sell so much of the lands belonging to the said estate as may produce effects sufficient with the moveables thereof, to pay all the debts due from the said estate: And whereas the condition and circumstances of the said widow, and the children of the said deceased, is such, that they cannot subsist without keeping for their use many of the

said moveables: This Assembly do therefore now grant liberty and full power to the said Sarah Crane, (with the allowance and advice of the court of probates in the county of Hartford,) to sell so much of the said lands for the end and use aforesaid as the said court of probate shall judge meet.

Whereas the General Assembly of this Colony, holden at Hartford, May 13th, 1708, upon the petition of sundry of the inhabitants of the town of Norwalk, praying for liberty to purchase of the Indians a certain tract of land lying within this Colony, bounded northerly or northeasterly with the town of Danbury, southerly with the said town of Norwalk, and west or westerly with the line or boundary between this Colony and the Province of New York, to the end they might make a plantation there and settle upon the same, did grant to the said petitioners a liberty to purchase the same tract of land;—and pursuant thereunto, the said petitioners did buy and purchase of Catoonah, a sachem, and other Indians, the aforesaid tract of land, as by their deed or conveyance thereof under their hands and seals, bearing date September 30th, 1708, now laid before this Assembly, hath been made ap- [83] pear: || And whereas the General Assembly of this Colony, holden at Hartford, May 12th, 1709, did desire and impower Major Peter Burr, Mr. John Copp, and Mr. Josiah Starr, to make a survey of the said tract of land, and to lay out a town plat there, and to make return of their doings therein to this Assembly at this time; and the said Peter Burr and John Copp, in pursuance thereof, having taken a view of the said tract of land, have thereupon made a return or report thereof to this Assembly, which hath been read and considered:—

This Assembly do now give and grant to the said petitioners, that is to say, to the persons hereafter named, viz: John Belden, Samuell Keelar, senior, Mathew Seamore, Mathias Saint John, Benjamin Wilson, Samuel Saint John, James Brown, Benjamin Hickcock, Joseph Keelar, Samuel Keelar, junr, Samuel Smith, Mathew Saint John, Jonathan Stevens, Daniell Olmstead, John Stirdevant, Jonathan Rockwell, Joseph Whitnee, Thomas Hyot, James Bennedick, Joseph Crampton, and Richard Olmstead, of the said town of Norwalk, and Thomas Smith, Thomas Canfield, Samuel Smith, and Ebenezer Smith, of the town of Milford, and to their heirs and assigns forever, all the aforementioned tract or parcel of land, butted and bounded as followeth, that is to say, on the south or southerly with the said town of Norwalk, on the west or westerly with the line or boundary between this Colony and

the Province of New York, on the east or easterly partly with a line to be continued and run like unto the line between the said town of Norwalk and the town of Fairfield, from the north end thereof unto a certain black oak tree marked with letters and having stones laid about the same, standing upon the mountain commonly called the West Cedar Mountain, and partly with a direct and straight line to be run from the said black oak tree to a certain large white oak tree marked and having stones laid about it, standing at or near the northwest corner of Umpewaug Pond; and on the north or northerly with a direct straight line to be run from the said white oak tree to the southwest corner of the town of Danbury, and continued unto the said line or boundary between this Colony and the Province of New York, be the same tract of land more or less; with all and singular the rights, members and appurtenances thereof. And this Assembly do hereby enact and grant that the said tract of land shall be an entire township of itself, and shall be called and known by the name of Ridgfield, and shall be held and enjoyed by the said John Belden, Samuel Keelar, senior, Mathew Seamore, Mathias Saint John, Benjamin Wilson, Samuell Saint John, James Brown, Benjamin Hickcock, Joseph Keelar, Samuel Keelar, junr, Samuel Smith, Mathew Saint John, Jonathan Stevens, Daniell Olmstead, John Sturdevant, Jonathan Rockwell, Joseph Whitnee, Thomas Hyot, James Benedick, Joseph Crampton, and Richard Olmstead, of Norwalk, and Thomas Smith, Thomas Canfield, Samuel Smith, and Ebenezer Smith, of the town of Milford, and their heirs and assigns, in equal and even shares, and be divided accordingly into lots and parcels, from time to time, by the order of the major vote of them, to be accounted by the major part of interest therein.

Provided that this act shall not be construed to the prejudice of any former grant of this Court; and provided always, nevertheless, that if the said John Belden, Samuel Keelar, [84] senr, Mathew Seamore, Mathias Saint John, || Benjamin Wilson, Samuel Saint John, James Brown, Benjamin Hickcock, Joseph Keelar, Samuell Keelar, junior, Samuell Smith, Mathew Saint John, Jonathan Stevens, Daniell Olmstead, John Stirdevant, Jonathan Rockwell, Joseph Whitnee, Thomas Hyot, James Benedick, Joseph Crampton, and Richard Olmstead, Thomas Smith, Thomas Canfield, Samuell Smith, and Ebenezer Smith, their heirs, assigns, or associates, do not or shall not, within four years next after the date of this act or grant, settle and dwell upon the said tract of land, to the number of twenty eight families, and after continue and dwell there for the space of four years next following, that then it

shall be in the liberty and power of this Assembly to grant of the said tract of land, settlements to any other persons, as they shall see cause.

An Act for repealing one clause in the printed Law, page 108, respecting Swine, and for the better preventing of Damage by Swine in Improved Lands.

It is ordered and enacted by the Deputy Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the last clause in the said printed law, in these words, viz: Except any town shall see meet to agree and order to the contrary within their own precincts— be repealed, and the same is hereby repealed and made void.

And it is enacted and ordained by the authority aforesaid, That whensoever any damage shall be done by swine (not yoaked and ringed according to the direction of the said printed law,) in any common field or particular inclosure, the value of such damage shall be paid by the owner or owners of such swine, to the person or persons damnified, any deficiency in the fence of such field or inclosure notwithstanding. Provided, that this act shall continue and be in force until the last day of November, Anno Dom., 1712, and no longer.

This Assembly do establish and confirm Mr. Joseph Hulls to be Lieutenant, and Mr. Samuell Nickols to be Ensign of the trainband in the town of Derby.

Wedensday, October 19th, 1709. This day the Honourable Gurdon Saltonstall, Esq^{r}, Governour of this Colony, came into this Assembly and took his seat; and by order of his Honour, the gentlemen members of both Houses being met together, his Honour laid before them sundry letters and writings relating to the expedition against Canada, and the transactions and conclusions of the Congress of the several Governours with Colonel Nicholson and Colonel Vetch, and other officers and gentlemen, at Rehoboth, the last week, and an address by them prepared to send to her Majestie concerning the said expedition, and particularly relating to the present state of the camp at the Woodcreek, and several other matters of great importance; all which letters and writings his Honour recommended to the consideration of this Assembly; and this Assembly having read and considered the said address, do judge the same to be very proper and seasonable, and do fully agree and concur therein.

Whereas information hath been laid before this Assembly by the listers of the town of Fairfield, that the list of that

town for the year 1708, was under cast the sum of six hundred thirty four pounds nine shillings and six pence, upon which the levy granted by this Assembly in October last, amounts to eighteen pounds nine shillings and ten pence, and that Isaac Ginnens, constable of that town, appointed to gather and collect the country rate that year, hath not been accountable with the Colony Treasurer for the same as he ought to have been :—This Assembly do therefore order that the said constable shall (upon demand made by the Colony Treasurer,) pay the said sum of 18*l* 9*s* 10*d*, into the Colony treasury; [85] and that if the said constable shall neglect or || refuse to pay the same, the treasurer shall issue forth a warrant directed to the sheriff of the county of Fairfield, to levy the said sum of 18*l* 9*s* 10*d*, out of the estate of the said constable, by distress and sale of his goods, and to pay the same into the said treasury; and the treasurer shall be accountable for the said sum to the auditors of the Colonys accompts in October next.

Whereas it hath been represented to this Assembly, that there is not any town officers at present within the town of Haddam, who have been chosen at a meeting lawfully warned, and who can order a meeting of the inhabitants in December next, as the law requires, to choose officers and order the affairs of the town: This Assembly do therefore order and enact, that Lieut. James Wells shall warn all the said inhabitants on the west side the great river, and Capt. Thomas Gates shall warn all the said inhabitants on the east side said river within the said town of Haddam, to meet and assemble at the meeting house on the west side the river there, on the third Tuesday of December next, to choose town officers, and make orders as the law directs in such town meetings.

This Assembly considering the sorrowfull circumstances of the forces of this Colony under the command of Col° William Whiting, and that her Majestie hath laid aside the designed expedition against Canada, do order, that a post be sent forthwith, with orders to Col° Whiting to take the best care he can of our sick men that yet remain at Albany, to transport them home by water, or provide for their comfort there in case they cannot safely come by water, as he shall judge best; and that the Colonel march home with all convenient speed himself, with those of his souldiers that are able to march with him, providing the best he may for the comfort of the weak by the way; and to order his captains or other chief officers to disband their men, when they come to the several towns where they belong; and that an order be sent to Mr. Joseph Whit-

ing, commissary, to take care of the stores belonging to this Colony that yet remain.

This Assembly grants liberty and full power to Enock Drake of Windsor, administrator on the estate of John Hail, late of said Windsor, carpenter, deceased, to sell the lands belonging to the said estate, or so much of them as may be necessary to produce effects sufficient to pay the debts of the said deceased, with the direction and allowance of the court of probate in the county of Hartford.

Whereas in an action of trespass commenced by James Rogers, (son of Joseph Rogers, deceased,) contra James Rogers, (son of James Rogers,) both of New London, now depending by review at the court of assistants to be holden in Hartford in May next, it hath been made evident to this Assembly, that there is need of appointing a committee of two or more persons to make a view of the place where the said trespass was in the original writ laid to be done, to return upon oath what they find concerning the same:—It is therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, that a committee for the service aforesaid, at the charge of the said James Rogers, son of James Rogers, be appointed by the judge of the county court in the county of New London, and that the report of the said committee to the said court of assistants, confirmed by their oath, shall be admitted in the said court of assistants, and accepted as full evidence to the said court, whether the place, where the trespass said to be committed in the original writ, be truly within the bounds of the land, as expressed in the said writ, on which the said trespass is said to be committed.

[86] An Act for stating and settling the Wages of divers Officers and Centinels in the Expedition against Canada this present year, 1709, and for ascertaining the Allowance for Billetting of Officers and Souldiers, for the service of Horses and pasturing them, and for Horses and other things Lost upon the said Expedition; and also requiring all Justices of the Peace to take care of Horses and other things returned from that Expedition; and relating to some Ineffective Men impressed for the same.

It is enacted and ordained by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there shall be allowed and paid out of the publick treasury of this Colony, to the several captains and other officers and private centinels hereafter mentioned, for their service in the expedition against Canada, under the

command of the Honourable Col° Francis Nicholson, Esq^r, in this present year, 1709, from the time of the date of their commissions, and where there is no commission, from the time of their being impressed or entred in the service, until they were or shall be dismissed from the same, the wages hereafter mentioned and to them respectively set, as money, that is to say,—

	l.	*s.*	*d.*
To each Captain, by the week, - - -	1	9	2
To each Lieutenant, by the week, - -	1	3	4
To each Serjeant, by the week, - - -	0	14	7
To Clerks, Trumpeters and Drummers, by the week, each, - - - - - -	0	12	0
To Corporals and Centinels, by the week, each,	0	11	8
To Mr. Adjutant Goodrich, by the week, - -	1	9	2

And it is ordered and enacted by the authority aforesaid, That there shall be allowed and paid to all such persons as have furnished the forces with horses in the said expedition, (to such a number as were allowed to each company by the Governour and Council,) for the service of their said horses, one shilling and four pence per week, as money, for each horse; and for each horse dead, or lost in the said service, the value of such horse as money according as shall be determined by the judgment of two indifferent men upon oath, who knew the worth or value of the horse, to be appointed and sworn by the next assistant or justice of the peace; and that there shall be allowed and paid to all such persons as have furnished the forces with arms, saddles, bridles, or any other tackling for horses, or other things whatsoever, for the use and service thereof, so much as is the value of the damage done to the same; and in case any such arms, furniture, or other things, is or shall be lost, wholly spoiled, or not returned, there shall be allowed and paid to the owners thereof the value of such arms, furniture, or other things, as money, to be set thereon according to the direction of an act of this Assembly made for that purpose, October 12th, 1704. Provided always, that the owners of such horses as are dead, or shall dye upon the said expedition, or be lost and not returned, shall be paid only the value of such horses, (to be determined and set as aforesaid,) and no wages or pay for their service.

And it is further enacted by the authority aforesaid, That there shall be allowed and paid to all such persons as have billetted or victualled any officers or souldiers upon the said expedition, and who shall so do, the sum of three pence per meal as money: but in such case, where any of the said officers

and souldiers were billetted or victualled one whole weeks time, or more, there shall be allowed and paid three shillings and four pence per week as money, and at that rate for the same, and no more; and that there shall be allowed and paid for pasturing or keeping horses upon the said expedition, three pence per night, or twenty four hours, for each horse; and where any such horse hath been, or shall be pastured or kept, one whole week or more, there shall be allowed and paid but eight pence per week as money, and at that rate, for the same.

And it is enacted and ordained by the authority aforesaid, [87] That her Majesties || justices of the peace, or for want, or in the absence of such, the captains, or other chief military commission officer in each town within this Colony, shall take effectual care of all horses, saddles, bridles, arms, and other things whatsoever, which have been improved in the service of the said expedition, and that are or shall be returned, and the owners thereof not known; and in case the owner or owners of such horses, saddles, bridles, arms, or other things, shall not appear and receive the same before the first day of December next ensuing, the said justices or commission officers shall sell all such horses and other things, (arms excepted,) for the best advantage of this Colony, by their discretion, and pay or cause to be paid the produce or effects thereof to the treasurer of this Colony, for the Colonys use.

And whereas there was divers ineffective men impressed for the said expedition, and brought into the several county towns of this Colony, and after some time dismissed, who by order either of the commissary, or of the officers that imprest them, have had cloathing and goods upon the credit of the Colony,—

It is ordered and enacted by the authority aforesaid, That there shall be allowed and paid out of the publick treasury of this Colony, to such souldiers for the time they were in that service, six shillings per week as money, and no more; and that in case any such souldier, by order as aforesaid, hath taken up more goods then his wages at the rate aforesaid shall amount unto, every such souldier shall pay for such goods of his own money, to the treasurer of this Colony; or upon his neglect or refusal, the next assistant or justice of the peace shall issue forth a warrant directed to the constable, to levy the same upon such souldier, his body, goods, or chattels, by distress, and pay it to the treasurer.

And it is further enacted by the authority aforesaid, That the captains, or other chief officer, who only disciplin'd and took

care of the souldiers at the several county towns within this Colony, at the beginning of the said expedition, and did not march out of the Colony, shall be allowed and paid two shillings per day for their service therein, as money; and also that there shall be allowed and paid out of the publick treasury of this Colony to all captains and other military officers under them, who were imployed in the detaching or impressing souldiers for the said expedition, the same wages, (for the service of themselves and their horses therein,) as the law allows to constables for the like service.

An Act for making and emitting Bills of Publick Credit.

Forasmuch as by reason of the great scarcity of money, the payment of the publick debts and charges of this government, arisen by the expedition against Canada this present year, is made almost impracticable: For remedy whereof,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there be forthwith imprinted a certain number of bills of credit on this Colony, in suitable sums from two shillings to five pounds, which in the whole shall amount to the sum of eleven thousand pounds, and no more; which bills shall be imprinted, indented, and stamped in the same manner and form, and of the same tenor and date, and signed by the same committee under oath, as the bills of credit were, emitted by the order or act of the General Assembly of this Colony, held at Newhaven, June 8th, 1709, with the direction of the Governour and Council thereupon. And the said committee are hereby impowred, with the advice of the Governour, to take care as soon as may be to imprint the said bills, to the value of eleven thousand pounds as aforesaid, and to sign and deliver the same to the Treasurer of this Colony, taking his receipt for them.

[88] *And it is further enacted by the authority* || *aforesaid,* That the said Treasurer be and hereby is ordered and impowred to issue forth and emit the said bills towards payment of the publick debts of the Colony already contracted, and the further necessary charge thereof, according to such order as shall from time to time be given him according to law. And the said bills shall pass out of the treasury at the value therein expressed, equivalent to money, and shall be taken and accepted in all publick payments at the advance of twelve pence on the pound more.

And be it further enacted and declared by the authority aforesaid, That as a fund and security for the repayment and drawing in of the said bills to the treasury again, and for defray-

ing any any further charge of the Colony, this Assembly grants a tax or rate of twelve thousand pounds as money, to be levyed on polls and all the ratable estate within this Colony, within the term of six years next ensuing the date of this act, and so much thereof in each of the said six years as this Assembly shall hereafter order and appoint. And liberty is hereby granted for any person to pay his rate or part of the said tax, either in bills of credit, silver money, or in pork at fifty shillings per barrel, beef at thirty shillings per barrel, winter wheat at four shillings per bushel, rye at two shillings four pence per bushel, and Indian corn at two shillings per bushel; the grain to be all good and merchantable, and the pork and beef to be good and well repackt, with the packers mark thereon; and no person shall have liberty to pay above two thirds of his rate or part of the said tax in rye and Indian corn.

And it is further provided and enacted by the authority aforesaid, That no person to whom the Colony is, or shall be indebted, shall be obliged to receive out of the treasury any grain or other provision but what is good and merchantable; and if any dispute shall at any time arise about the merchantableness of the grain or other provision tendered to the constables or receivers of the rate, or that happens to be damnified after it is received, it shall be determined by the judgment of one indifferent person under oath, to be appointed and sworn by the next assistant or justice of the peace.

Whereas the General Assembly of this Colony, held at New Haven, June 8th, 1709, did order and enact, that there should be imprinted a number of bills of credit amounting to the sum of eight thousand pounds, and that the committee then appointed to sign the said bills should sign and deliver the sum of four thousand pounds thereof to the treasurer, and no more, until further order: This Assembly do now hereby order, that the said committee shall forthwith sign the other four thousand pound of the said bills, and deliver them to the treasurer of this Colony, and take his receipt for the same according to the order of the said act.

To prevent all difficulty that may arise concerning the bills of credit of this Colony, and the price set on provisions, in the payment of the salaries of publick officers, wages of officers and souldiers, and other the debts of this Colony,—

It is enacted and declared by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all salaries of publick officers, wages of officers and souldiers, wages of posts and other persons for

any service whatsoever, mentioned or set by any law, act or grant of this Assembly heretofore made, at a sum in country pay, and that were not set and expressly granted to be paid in money, shall be abated one third part thereof, and the remaining two thirds shall be paid by the treasurer, in the said publick bills of credit.

This Assembly do constitute and appoint James Bennet of Stratfield, Esqr, to be one of her Majesties Justices of the Peace and Quorum in the county of Fairfield.

[89] A question being propounded to this Assembly, what may be intended in that part of the law, title Freemen, where it is said that all such persons who desire to be admitted freemen of this corporation shall have the possession of forty pounds personal estate: It is the opinion of this Assembly, (upon consideration of this question,) that the value of the personal estate, as well as freehold estate, mentioned in the said law, is to be computed by the list of the year wherein the person desires to be inrolled a freeman.

This Assembly grants liberty and full power to Mr. Samuell Woodbridge of Hartford and Mabell his wife, administratrix on the estate of Mr. John Hubbard, late of Jamaico on Long Island, in the Province of New York, deceased, to make a deed and conveyance of twenty acres of land lying within the town of Wallingford, to Ebenezer Lewis of the said Wallingford, his heirs and assigns, which said twenty acres is part of a tract or parcel of land of about six hundred and forty acres, which the said Ebenezer Lewis formerly sold to the said John Hubbard, reserving the said twenty acres to be reconveyed by the said John Hubbard to the said Lewis again.

An Act for Restraining the Liberty of Appeals and Reviews to Delinquents in some cases.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That no person whatsoever, who shall be guilty of drunkenness, prophane swearing or cursing, or Sabbath breaking, and be thereof convicted in any court of record within this Colony, shall be allowed any appeal or review whatsoever from the judgment of that court, any law, usage or custom to the contrary notwithstanding.

An Act for the better regulating the Militia.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and it is enacted by the authority of the same, That the major or chief officer of each regiment in this Colony, in all places within the precincts of

his regiment where there shall be a sufficient number of souldiers to form two captains companies, shall (with the advice of the military commission officers of the said place,) establish a line for the division of the said companies, and determine the circuit within which each captain or other subaltern officers of the companies, so to be divided, shall extend their commands, any law, custom or usage to the contrary notwithstanding.

The Hon^{bl} Nathan Gold, Esq^{r}, Deputy Governour, Joseph Curtis, Esq^{r}, Major Peter Burr, Captain Joseph Wakeman, and Captain Theophilus Hull, are by this Assembly appointed to be a Committee of War for the county of Fairfield, to take care for the defence of the frontier towns within that county, and of Wiantenock or New Milford; and that the said committee, or any three of them, shall have full power to act and order for the defence of the said frontiers against the assaults of the enemy, as they shall judge needful.

This Assembly do order and enact, That the dividing line or boundary between the town of Plainfield and the town of Kel- [90] lingley shall be and || remain as the same was run and settled by Capt. John Prentts, surveyor; and that the same line, and a line to be drawn and run from the northeast corner of the said town of Plainfield, to the line or boundary between this Colony and the Colony of Rhoad Island, on the point east south east, shall be the south boundary of the said town of Kellingley.

An Act to prevent Unseasonable Meetings of Young People in the Evenings after the Sabbath, and at other times.

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That if any single persons being boarders or sojourners, or any young persons whatsoever, under the government of parents or masters, within this Colony, shall convene or meet together in company or companies, in the street or elsewhere, on the evening after the Sabbath, or any publick day of fast, or any lecture day, and be thereof duly convicted before any one assistant or justice of the peace, every such person shall pay a fine of five shillings to the treasury of the county wherein the offence shall be committed, or be set in the stocks not exceeding two hours for every such offence. Provided always that this act shall not be taken or construed to hinder the meeting of such single and young persons, upon any religious occasion.

An Act for the better and more speedy Levying of Souldiers, out of the Militia, for her Majesties service in time of War.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when and so often as the General Assembly of this Colony shall order any number of soldiers to be raised for her Majesties service, and the chief officer of any regiment of militia within this Colony, shall receive orders from the general or commander in chief for the time being of the said Colony, for the detaching and impressing, or causing to be detached and impressed for her Majesties service, out of the regiment under his command, so many souldiers as in such orders shall be mentioned, such chief officer of the regiment shall forthwith thereupon issue forth his warrants to the captains or chief officers of the companies or troops within his regiment, or such of them as he shall think fit, requiring them respectively to detach or impress out of the militia in the companies or troops under their command, so many able souldiers, furnished and provided as the law directs, as in the whole shall make up the number which by the orders of the general or commander in chief he shall be directed to detach and impress, on pain that every chief officer of a regiment that shall neglect, or not do his utmost to send forth his said warrants seasonably, (having orders for the same as above mentioned,) shall forfeit and pay a fine of twenty pounds currant money. And every captain or other chief officer of any company or troop that shall receive any warrant from the chief officer of the regiment whereto such company or troop belongs, for the impressing out of the same any souldier or souldiers for her Majesties service, shall thereupon use his utmost endeavour to detach or impress, or cause to be detached or impressed, so many souldiers as by said warrant he shall be required, and to have them at the place of rendezvouz in time as therein shall be mentioned, on pain that every captain or chief officer of any [91] || company or troop that shall neglect, or not do his utmost to comply with and perform any warrant to be by him received as aforesaid, from the chief officer of the regiment, shall for such his neglect and default, pay a fine of ten pounds currant money. And every officer or soldier that shall receive a warrant from his captain, or the chief officer of the company or troop in which he is inlisted, for the detaching or impressing of men, shall forthwith attend and perform the same, on pain of paying a fine of five pounds currant money. And all persons are required to be aiding and assisting to him in the execution of such warrant, on pain of forfeiting the sum of

forty shillings currant money. And if any person authorized as aforesaid to detach or impress any souldier or souldiers for her Majesties service, shall exact or take any reward to discharge or spare any from said service, he shall forfeit ten times so much as he shall so exact or take.

And it is further enacted by the authority aforesaid, That every person lyable and fit for service, being orderly detached or impressed as aforesaid, for her Majesties service, by being commanded in her Majesties name to attend said service, or by having twenty four hours warning or notice given him by the captain or other chief officer, (or any other officer or souldier of the company or troop in which he is inlisted, thereunto authorized by warrant as aforesaid,) to attend the same, shall by himself, or other meet person in his room, (to the acceptance of his captain or chief officer,) attend the said service at time and place appointed. And if any souldier detached or impressed for her Majesties service in manner as aforesaid, shall abscond himself, or not make his appearance and duly attend the said service at such time and place, as the captain or chief officer of the company or troop shall appoint, and be thereof duly convicted by the oath of him that detached or impressed him, or gave him warning or notice as aforesaid, such souldier shall forfeit and pay the sum of five pounds currant money, to be levyed on his body, goods or chattels, by warrant of distress from any two assistants or justices of the peace, to be forthwith made out upon complaint and conviction of such offence. And in case no sufficient distress can be found wherewith to satisfie the said fine or forfeiture, the said two assistants or justices of the peace are hereby impowred to dispose of the offender in service, to some of her Majesties English subjects within this Colony, for such reasonable time as they shall think fit. All which fines and penalties aforesaid shall be one moiety thereof unto the publick treasury of this Colony, and the other moiety to the rest of the soldiers detached out of the same company or troop at the same time, in equal shares.

Whereas the towns of Durham and Mansfield, and the inhabitants of Kellingley, Massamugget and Hebron, by an act of this Assembly, in May last past, were ordered to bear and pay a part and proportion of the rates and taxes granted in this present year 1709, and the inhabitants of the said several towns and places have neglected or refused to send to this Assembly their respective lists of polls and estate, or the sum total thereof, according to law, by reason whereof, the treasurer hath no rule to levy and collect their said proportions of the said rates or taxes:—

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and it is hereby enacted by the authority of the same, That the Secretary do forthwith issue out a warrant directed to the sheriff of the county of Hartford, or his deputy, (who is hereby impowred and required [92] to execute the same,) to summon and || warn the selectmen of the said towns or places aforenamed, respectively, or for want, or in the absence of such, to summon and warn any two or three of their inhabitants respectively, forthwith to make or cause to be made a true and perfect list of all the polls and ratable estate within their respective town or precinct, according to law, and to transmit the same in writing under their hands, (or the hands of their respective listers, if they have any,) to the secretary, on, or before the third Tuesday of November next, to be by him given to the treasurer. And in case the said selectmen or inhabitants of any of the said towns or places aforementioned, shall refuse or neglect to make and send or transmit such list to the secretary by the said third Tuesday of November next, according to the true intent and meaning hereof, the secretary is hereby ordered and directed to issue forth a warrant directed as aforesaid, to require the listers of any town near unto any of the said towns and places so neglecting, to assess the inhabitants of such town or place will and doom, and make and send a list of such assessment to the secretary, for the end aforesaid. And the treasurer shall issue forth his warrant directed to the said sheriff or his deputy, requiring him to levy the sums wherein the said towns or places, or any of them, neglecting as aforesaid, shall respectively be so assessed, upon the money, goods or chattels of any of their inhabitants, and to pay the same into the treasury. And the said sheriff or his deputy are hereby impowred and required to execute such warrants accordingly.

Samuel Eells, Esq^{r}, Capt. Joseph Treat, Mr. Joseph Peck and Mr. Edward Camp of Milford, presented a petition to this Assembly, praying, that a judgment given against the said petitioners at the court of assistants holden at Newhaven in October, 1708, upon an action of trespass between the said petitioners, contra John Read, Richard Blackleach, Daniell Shelton and Agur Tomlinson, of Stratford, may be reversed; and this Assembly having heard the pleas of the parties, have not found cause to reverse the same: Wherefore this Assembly do adjudge the said petitioners to pay to the said John Read, Richard Blackleach, Daniell Shelton and Agur Tomlinson, the sum of forty four shillings and eight pence in pay, for their cost of attendance upon the said petition, and that exe-

cution shall be granted accordingly. *Execution was granted November 18th*, 1709.

Upon consideration of the petition of the inhabitants on the north side of the riveret in Middletown, now presented to this Assembly, praying that so much of the school money arising by law, as shall be levyed on their part of the list of that town, may be ordered to be improved for a school amongst them on the north side the said river: This Assembly grants and allows the same, provided they shall maintain a school for reading and writing, for one half of the year, annually; and do order that on default thereof, the said money shall be paid toward the maintenance of the town school as formerly.

An Act for Restraining the Liberty of Three Tryals in some actions and cases.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That in all actions and causes whatsoever, wherein the original plaintiff or defendant shall recover a judgment of the county court or court of assistants, upon the first and second tryal by the court and jury, that such judgment given upon the second tryal shall be a final issue of every such action or cause, and no appeal or review shall be allowed from the same. But in all actions and causes wherein the plaintiff upon the first tryal by the bench and jury, shall re-
[93] cover judgment, || and the defendant upon the second tryal by the bench and jury, shall recover judgment, there shall be liberty of another or third tryal, by appeal or review, as formerly.

Whereas Elizabeth Newby of Newport in the Colony of Rhoad Island, widow, relict of George Newby, late of said Newport, deceased, hath shewn to this Assembly by good and authentick records, that she as executrix of the last will and testament of the said deceased, lawfully proved, hath administred upon his estate and given up her accompts of her administration to the office for that end appointed at Newport aforesaid, whereby it appears that she hath fully administred, and hath no assets within the said Colony of Rhoad Island, in her hands, and that the said estate was thereupon found to be insolvent and indebted; and the said Elizabeth Newby hath moved to this Assembly, that she might be enabled to make sale of a certain tract or piece of land, lying within the town of New London, in this Colony, which her said husband George Newby dyed possessed of, that with the effects thereof she may pay the debts remaining due to the creditors of his estate.

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and it is enacted by the authority of the same, That the said Elizabeth Newby, executrix aforesaid, shall have full power, and she is hereby fully impowred and enabled to alienate and sell the said land, for the payment of the said debts yet remaining due as aforesaid, and to give deeds and conveyances thereof; always provided, the said Elizabeth Newby, before she make any bargain or sale thereof, shall take out letters of administration on the estate of the said George Newby, deceased, being in this Colony, from the court of probate in the county of New London, and give bond as the law requires in such case.

This Assembly grants to the Honourable the Governour, the sum of one hundred and fifty pounds in pay, for his salary for this present year.

This Assembly grants to the Hon^{bl} the Deputy Governour, the sum of fifty pounds in pay, for his salary for this present year.

This Assembly grants to Capt. Joseph Whiting, treasurer of this Colony, the sum of fifty pounds in pay, for his salary for this present year.

This Assembly grants to Capt. Thomas Hart, Speaker of the Lower House at this session, twenty five shillings as money, for his service therein.

This Assembly grants to Mr. John Hooker, Clerk of the Lower House at this session, twenty shillings as money, for his service therein.

This Assembly grants to the constables attending at this Court, two shillings and four pence per day, as money, each of them, for their service therein.

An Act for passing and regulating the Publick Accompts of this Colony, and Payment of Money out of the Treasury.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That every person whatsoever in every town within this Colony, on or before the third Tuesday of December next, shall make or cause to be made and delivered to some one assistant or justice of the peace, or for want, or in the absence of such, to the chief military commission officer of the town where such person dwells, a true, plain and particular accompt in writing, under his hand or mark, (and upon oath if it be required,) of all service that he hath done for the Colony, for which he is not yet paid: that is to say, in billeting officers or souldiers, pasturing and keeping horses, going

post on the Colonys service, and by goods, cloathing, arms, [94] ammunition and || other things whatsoever, that were impressed or taken away from him, for the use of, or wherewith he hath furnished any of the officers or souldiers upon the expedition against Canada in this present year 1709, with the name of the officer or souldier who had the same things, (the billeting excepted,) and the town to which he belongs; and also an accompt of all wheat and other grain whatsoever, pork, beef, live cattle and other provision whatsoever, linen and woolen cloth, horses, saddles, bridles, furniture, and all other things which he hath furnished the Colony with, or that hath been impressed or taken away from him into the Colonys service, and who took or received the same, and an accompt of the time when such horses were impressed, and when they were returned, with a full account of all matters and things whatsoever for which he is not yet paid as aforesaid, and by which the Colony is indebted to him; on pain that every person who shall not make such accompt as aforesaid, and deliver the same to one assistant, justice, or commission officer as aforesaid, on or before the said third Tuesday of December next, shall not be allowed to receive out of the publick treasury, any pay for the same, until after the third Tuesday of December anno Dom. 1710. And all persons whatsoever who have already gotten any accompts, bills or orders signed by any assistant or justice of the peace, for their receiving any money out of the Colony treasury which is not yet paid to them, shall deliver the same accompts, bills and orders, to some assistant, justice or commission officer as aforesaid, on or before the said third Tuesday of December next, on the pain and penalty aforesaid.

And it is further enacted by the authority aforesaid, That every assistant, justice of the peace, and military commission officer within this Colony, unto whom such accompts as aforesaid shall be brought, shall carefully examine and inspect the same, to see that the Colony be in no wise wronged thereby, and to endorse thereon the time he received the same, and his opinion of such accompt, with the subscription of his name, and the same accompts shall carefully seal up and send to the judge of the county court within the county to which he belongs, on or before the last Tuesday of the said month of December next.

And further it is enacted by the authority aforesaid, That the sheriff of each county in this Colony, and his deputy or deputies respectively, and the constables of each town within the same, and other persons whatsoever, are hereby ordered and required to make and draw a true, plain and particular accompt in writing, under his and their hand and hands, of all the grain, pork, beef, live cattle, cloth of what sort soever,

cloathing, arms, horses, saddles, bridles and other furniture, and of all other things whatsoever which he, they or any of them have impressed for the use and service of the Colony in this present year 1709, and the name of every person from whom they impressed and took the same, and to send and deliver the same accompts and warrants sealed up, to the judge of the county court within the county to which he belongs, on or before the said last Tuesday of December next, on pain that every sheriff, deputy sheriff and constable who shall neglect his duty herein, shall pay a fine of five pounds money, to the publick treasury of this Colony, to be levyed by distress.

And it is enacted and ordained by the authority aforesaid, That as well the captain or other chief officer of every company or trainband within this Colony, who detached or impressed any men for the aforementioned expedition, as also the captain or other chief officer of every company of souldiers, both English and Indians, who marched upon the said [95] expedition, shall make and || draw a true, plain, and particular accompt in writing under his hand, of all cloathing, arms, and other goods and things whatsoever, which either they themselves did impress, or any officers or souldiers detached for the said expedition did take up, or which was by his or their order delivered to any such officers or souldiers on the credit of this Colony, with the name of the person from whom the same was impressed or taken, and to whom delivered, with the price thereof, and to send and deliver the same accompts sealed up, to the judge of the county court within the county to which he belongs, on or before the said last Tuesday of December next. And the captain or other chief officer of every company of souldiers upon the said late expedition, shall also make a true and exact list of all the officers and souldiers that have been under his command upon the said expedition, with the time of the date of his own and inferiour officers commissions, and the time when his said souldiers were impressed or listed, and when dismissed or disbanded, with the time of the deccase of such of them as are dead, or shall dye in the said service, and send the said list sealed up to the judge of the county court in the county to which he belongs, on or before the said last Tuesday of December next.

And be it further enacted by the authority aforesaid, That Richard Christophers, Peter Burr, John Alling, and Richard Lord, Esq[rs], and Mr. Nathanael Hooker, or any three of them, be a committee for and on the behalf of this Colony, with full power, and they are hereby fully authorized and impowred to examine and pass all the aforementioned accompts, and to

take especial care that the Colony have no wrong nor damage thereby, and that none of the Colonys creditors, in their said accompts, do charge the Colony debtor for any service, matter, or thing whatsoever, any more than the law allows, or than is reasonable to be allowed for the same, and to draw and sign orders to the Colony treasurer for paying all the sums due out of the treasury; also to audit, examine and pass the accompts of Mr. Joseph Whiting, commissary upon the aforesaid expedition, and to see that out of his said accompts everything proper be charged to the officers and souldiers respectively, to whom they were delivered, and to take accompt of all the goods whatsoever which the said commissary took up on the credit of this Colony, at all places wheresoever, and how and to whom they were disposed of, and of what stores belonging to this Colony, shall be remaining in his hands. And the said committee, upon their audit of all the said accompts aforementioned, shall give and make out orders to the treasurer to pay out of the colony treasury to all officers and souldiers imployed in the said expedition, the wages remaining due to them respectively. And the said treasurer is hereby ordered and required to make payment thereof accordingly, out of the bills of publick credit emitted and delivered to him, and to keep true and exact accompts of all such payments, to be laid before the General Assembly of this Colony as they shall require.

[96] *And further, it is enacted by the authority aforesaid,* ‖ That the said committee, before they enter upon the said work and business committed to them by this act, shall take the following oath, viz:

You, A. B., swear that without partiality and respect of persons, you shall truly and faithfully do, perform, and execute the office and trust committed to and reposed in you by the act of the General Assembly of this Colony, made and passed at their session, October 13th, 1709, intituled An Act for passing and regulating the Publick Accompts of the Colony, and payment of money out of the treasury, according to the best of your skill and ability. So help you God.

Which oath shall be administred unto them, and a record made thereof, by any two assistants or justices of the peace. And the said committee shall be allowed and paid out of the publick treasury of this Colony, for their time and expences in the service aforesaid, the sum of four shillings per day, as money.

And it is further enacted by the authority aforesaid, That the said committee shall meet together at some convenient place by them appointed in the town of Hartford, on or before

the first Tuesday of January next ensuing, upon the service aforesaid, and there continue upon the same until it shall be finished. And the judge of each county court within this Colony, shall carefully transmit to the said committee at the said town of Hartford, all the said lists, accompts, and writings, (which shall be brought to them pursuant to the intent of this act,) on or before the said first Tuesday of January next, at which time the said commissary also shall lay his accompts before the said committee. And the committee shall state and settle all the said accompts of the Colony in a plain and proper method and form, in sticht books for that purpose, and lay the same before the General Assembly of this Colony in October, 1710.

And be it further enacted by the authority aforesaid, That no assistant, justice of the peace, captain, or other officer of any company of souldiers, or other officer whatsoever within this Colony, shall sign any bill, accompt, debenture, or other order whatsoever to the treasurer, for the payment of any money out of the treasury, until the first day of November, Anno Dom., 1710, any former law, usage, or custom to the contrary notwithstanding.

This Assembly allows and approves the act of the Hon^{bl} Deputy Governour and Council, in sending Capt. John Miles and his company to the relief of our sick souldiers at Albany and the Wood Creek.

This Assembly do order and enact, That the Council to assist the Governour, and in his absence the Deputy Governour, in the intervals of the General Assembly, shall consist of two of [97] || the assistants at the least, and four able, judicious freemen, such as the Governour, or in his absence the Deputy Governour, shall see cause to call to Council; who shall have power in the intervals of the General Assembly to manage the affairs of this Colony according to charter, they not to raise men to send out of the Colony, unless in case of exigency, nor to raise money.

This Assembly do order and appoint Major John Clark and Mr. Daniell Taylor of Saybrook, to demand and receive of Mr. Maltby of said Saybrook, a quantity of barley belonging to this Colony, and of Mr. Peck of Lyme, a parcel of cattle belonging to this Colony; and to sell the same for the best advantage, and pay the effects to the treasurer for the use of the Colony.

The Deputy Governour, Council and Representatives, now in General Court assembled, have agreed to request and appoint the Honourable Gurdon Saltonstall, Esq^{r}, to be Agent for this Colony, to attend her Majestie and manage the affairs

of this government mentioned in the address drawn up and agreed upon by the several Governours at the Congress at Rehoboth in this present month. And this Assembly do hereby constitute, appoint, and request, the said Honourable Gurdon Saltonstall, Esq^{r}, to accept that office and trust accordingly. And this Assembly do allow and grant out of the publick treasury of this Colony, the sum of two hundred pounds sterling money, to be paid to his Honour for the defraying the charge of his agency, and a recompence for the same, if he shall accept and attend that service.

This Assembly have agreed to suspend, and not at present to declare their accepting or not accepting, a bill of exchange drawn upon this Colony by Sir Henry Ashhurst, and laid before this Assembly at this time, for the sum of one hundred and forty seven pounds.

The whole record of the several acts, grants, and orders of this Assembly, as they stand in the pages of this book next preceding, were read in the presence of both Houses, and ordered to be signed by the Secretary as perfect and compleat.

Test. Caleb Stanly, Secry.

Of the Representatives that attended at this Assembly, several were absent, as follows, viz: Capt. Joseph Talcott, Capt. John Hawly, Capt. Robert Wells, Lieut. Samuel Hale, Capt. Nath. Harrison, Mr. Thomas Williams, Mr. Joseph Platt, were absent each 1 day; and Mr. Robert Lane, and Mr. Joseph Beckus, were absent each 9 days; and Capt. John Crane, and Mr. William Warner, were absent each 7 days; and Mr. Wakefield Dibble was absent 3 days.

October 28th, 1709. This Assembly is adjourn'd until the Governour or Deputy Governour shall see cause to call them to meet again.

[98] There was added to the lists of persons and estates brought in at this Assembly, by the accounts of the listers of several towns sent to the Secretary, as followeth, viz:

	l.	*s.*	*d.*		*l.*	*s.*	*d.*
To New London list,	79	0	0	To Hartford list,	273	0	0
To Waterbury list,	76	0	0	To Branford list,	189	10	0
To Woodbury list,	690	11	0	To Fairfield list,	710	3	0
To Killinsworth list,	71	0	0	To Newhaven list,	1351	10	0
To Windsor list,	256	0	0	To Colchester list,	80	10	0
To Saybrook list,	181	10	10				

An account of all the above additions was given to the Treasurer.

CONNECTICUT COLONY.

At a General Assembly and Court of Election, begun and holden at Hartford, in her Majesties Colony of Connecticut, in New England, on Thursday, the 11th day of May, in the ninth year of the reign of our Sovereign Lady Anne, Queen of Great Brittain, &c., Annoque Domini 1710, and continued by several adjournments to the 26th day of the same month.*

Present at this Assembly were,

The Honourable Gurdon Saltonstall, Esq^r^, Governour.
The Honourable Nathan Gold, Esq^r^, Deputy Governour.

Assistants,

Daniell Wetherell, Esq^r^,
Nathanael Stanly, Esq^r^,
John Hamlin, Esq^r^,
William Pitkin, Esq^r^,
John Chester, Esq^r^,
Joseph Curtis, Esq^r^,
Richard Christophers, Esq^r^,
Peter Burr, Esq^r^,
John Haynes, Esq^r^.
Samuell Eells, Esq^r^.

Deputies or Representatives that were present and attended at this Assembly were as hereafter followeth: that is to say,

Capt. Joseph Talcott, Mr. Nath^l^ Hooker, for Hartford.
Mr. Abraham Bradly, Mr. Samuell Smith, for Newhaven.
Mr. William Douglas, Mr. Jonathan Prentts, for New London.
Capt. Joseph Wakeman, Capt. John Burr, for Fairfield.
Mr. John Eliot, Mr. Roger Woolcott, for Windsor.
Capt. Joshua Robbins, Mr. William Warner, for Wethersfield.
Mr. John Stanly, Capt. John Hart, for Farmington.
Capt. Nath^l^ White, Capt. John Hall, for Middletown.
Mr. James Wells, Mr. Daniell Brainard, for Haddam.
Mr. Joshua Ripley, Mr. Joseph Carey, for Windham.
Mr. Samuell Hale, Mr. Thomas Kimberly, for Glassenbury.
Mr. Michael Tainter, Mr. Samuel Loomis, for Colchester.
Capt. John Higley, Mr. Samuel Wilcockson, for Simsbury.
Mr. John Hopkins, Mr. Stephen Upson, for Waterbury.
Mr. Jonathan Law, Mr. Joseph Peck, for Milford.
Mr. Edward Barker, for Branford.
Mr. Joseph Tuttle, Mr. Daniel Collins, for Easthaven.
Mr. John Hall, Mr. Samuel Royce, for Wallingford.
Mr. John Riggs, for Derby.
[99] Mr. James Wadsworth, Mr. Caleb Seward, for Durham.

* The Journal of the Lower House only, at this session, is found.

Capt. Abraham Fowler, Mr. James Hooker, for Guilford.
Mr. Ambross Tompson, for Stratford.
Mr. Jonathan Bates, for Stamford.
Capt. John Minor, Mr. John Sherman, for Woodbury.
Mr. Joseph Platt, Mr. Samuell Betts, for Norwalk.
Mr. James Beebee, Mr. Josiah Starr, for Danbury.
Mr. Gersh. Lockwood, for Greenwich.
Mr. Joseph Peck, for Lyme.
Capt. James Avery, Mr. John Morgan, for Groton.
Capt. Richard Bushnell, Mr. Christopher Huntington, for Norwich.
Mr. Daniell Brewster, Mr. Thomas Tracy, for Preston.
Capt. Nathanael Cheesebrough, for Stonington.
Mr. Thomas Williams, for Plainfield.
Mr. Stephen Whittlesey, Mr. Benjamin Lord, for Saybrook.
Mr. John Griswold, Capt. John Crane, for Killinsworth.
Capt. William Clark, Mr. William Holton, for Lebanon.

Of which Deputies, divers were absent some days, for which an abatement was made out of their wages, in the orders to the Treasurer for paying them.

This day, being the day appointed by charter, and the laws of this Colony, for Election of the publick officers of this corporation, viz:—The Governour, Deputy Governour, Assistants, Treasurer and Secretary,—proclamation was now made in this Assembly, by order of the Honourable the Governour and Council, and the freemen of this corporation proceeded to give in their votes to persons chosen and appointed by the Governour, Council, and Representatives, to receive and sort them. The said persons so chosen and appointed, were Col^{o} William Whiting, Captain Hezekiah Wyllys, Mr. Nathanael Hooker, Mr. Abraham Bradley, Capt. John Burr, Mr. Jonathan Law, Mr. James Hooker, and Mr. Roger Woolcott, who were all sworn truly and faithfully to receive, sort, and count the said votes. And the votes of the freemen having now been brought in, sorted, and counted,—

The Honourable Gurdon Saltonstall, Esq^{r}, was chosen Governour of this Colony, for the year ensuing, and the Governours oath was now administred to him by the Hon^{bl} the Deputy Governour, before this Assembly.

The Honourable Nathan Gold, Esq^{r}, was chosen Deputy Governour of this Colony, for the year ensuing, and sworn before this Assembly by the Honourable the Governour. And

Nathanael Stanly, Esq^{r},	Richard Christophers, Esq^{r},
John Hamlin, Esq^{r},	Peter Burr, Esq^{r},
William Pitkin, Esq^{r},	John Alling, Esq^{r},

Joseph Curtis, Esq^{r}, John Haynes, Esq^{r},
John Chester, Esq^{r}, Samuell Eells, Esq^{r},
Josiah Rossetter, Esq^{r}, Mathew Allyn, Esq^{r},
were now chosen Assistants for this Colony for the year ensuing, and all of them, excepting the said Josiah Rossetter and John Alling, Esq^{rs}, were now sworn Assistants before this Assembly accordingly.

Capt. Joseph Whiting was now chosen Treasurer of this Colony, for the year ensuing, and was sworn to that office and trust before this Assembly.

Caleb Stanly was now chosen Secretary of this Colony for the year ensuing, and was now sworn to that office and trust before this Assembly.

The Hon^{bl} Gurdon Saltonstall, Esq^{r}, Governour of this Colony, now in this Assembly took the oath required to be taken by all Governours of her Majesties Colonys or Plantations in [100] America, &c., in and by an Act of Parliament made || in the seventh and eighth years of the reign of his late Majestie King William the third, intituled An Act for preventing Frauds and regulating Abuses in the Plantation Trade; which oath was administred to him by the Honourable the Deputy Governour and the Council.

This Assembly do establish and confirm Thomas Olcott, jun^{r}, to be Lieutenant, and John Meakins to be Ensign of the company or trainband on the east side of Connecticutt River, in the town of Hartford.

This Assembly do establish and confirm Mr. James Beebee to be Captain, and Mr. Josiah Starr to be Lieutenant, and Mr. Daniell Bennedick to be Ensign of the company or trainband in the town of Danbury.

This Assembly do establish and confirm Mr. Samuel Fish to be Captain, and Mr. Samuel Avery to be Lieutenant, and Mr. Phillip Bill to be Ensign of the company or trainband in the town of Groton.

This Assembly do establish and confirm Mr. Stephen Bishop to be Lieutenant, and Mr. Janna Meigs to be Ensign of the company or trainband in the village of East Guilford.

This Assembly do establish and confirm Mr. Titus Hinman to be Lieutenant, and Mr. Joseph Minor to be Ensign of the company or trainband in the town of Woodbury.

This Assembly do establish and confirm Mr. John Bassett to be Captain, and Mr. Samuell Thomson to be Lieutenant, and Mr. William Johnson to be Ensign of the first company or trainband in the town of Newhaven.

This Assembly do establish and confirm Capt. John Munson to be Captain, and Mr. John Thomson to be Lieutenant, of the second company or trainband in the town of Newhaven.

The Hon^{bl} Gurdon Saltonstall, Esq^{r}, now laid before this Assembly sundry letters and writings which he had received from and sent to the Secretary of State, the Lords of the Council of Trade, our Agent Sir Henry Ashurst, and others, since the last session of this Assembly, relating to the publick business and affairs of this Colony, and recommended the consideration of them to this Assembly.

Upon consideration of the great pains and extraordinary charge of the Hon^{bl} Gurdon Saltonstall, Esq^{r}, Governour, in the Colonys service in the two years now last past, this Assembly do now grant unto him out of the publick treasury of this Colony, the sum of one hundred forty six pounds thirteen shillings and four pence, as money, to be paid him in the bills of credit of the Colony, for his service aforesaid until this time, besides what hath been formerly granted and paid to him.

William Pitkin of Hartford, Esq^{r}, is by this Assembly chosen and appointed to be Judge of the County Court and Court of Probate in the county of Hartford, for the year ensuing;—and John Eliot, Esq^{r}, John Hooker, Esq^{r}, Robert Wells, Esq^{r}, Richard Lord, Esq^{r}, Joseph Talcott, Esq^{r}, and John Higley, Esq^{r}, are by this Assembly chosen and appointed to be Justices of the Peace and Quorum within the said county of Hartford for the year ensuing;—and Mr. John Moore, Mr. Roger Woolcott, Capt. Thomas Hart, Mr. Samuell Hale, Capt. Nathanael White, Mr. James Wells, Capt. Thomas Gates, Mr. Michael Tainter, Mr. Joshua Ripley, and Deacon Thomas Judd, are by this Court chosen and appointed Justices of the Peace within the said county of Hartford, for the year ensuing.

John Alling of Newhaven, Esq^{r}, is by this Assembly chosen and appointed to be Judge of the County Court and Court of Probate in the county of Newhaven, for the year ensuing;—and Warham Mather, Esq^{r}, Abraham Bradly, Esq^{r}, William Maltbie, Esq^{r}, Abraham Fowler, Esq^{r}, Jonathan Law, Esq^{r}, Joseph Treat, Esq^{r}, Thomas Yale, Esq^{r}, are by this Assembly chosen and appointed to be Justices of the Peace and Quorum within the said county of Newhaven for the year ensuing;—[101] || and Mr. Jerremiah Osborn, Major Ebenezer Johnson, Deacon John Hall, and Mr. James Wadsworth, are by this Assembly chosen and appointed Justices of the Peace within the said county of Newhaven, for the year ensuing.

Richard Christophers of New London, Esq^{r}, is by this Assembly chosen and appointed to be Judge of the County Court and Court of Probate in the county of New London, for the year ensuing;—and William Ely, Esq^{r}, Nehemiah Smith, Esq^{r}, Richard Bushnell, Esq^{r}, Ephraim Minor, Esq^{r}, Daniell Taylor, Esq^{r}, Nathanael Cheesebrough, Esq^{r}, Jonathan Prentts, Esq^{r}, and John Plumb, Esq^{r}, and Nathanael Lynde, Esq^{r}, are by this Assembly chosen and appointed to be Justices of the Peace and Quorum within the said county of New London for the year ensuing;—and Mr. Robert Chapman, Mr. Samuel Buell, Mr. Joseph Peck, Capt. James Morgan, Mr. Jonathan Tracy, Mr. Daniel Brewster, Capt. William Clark, Mr. William Holton, and Mr. Thomas Williams, and Mr. Thomas Boles, are by this Assembly chosen and appointed Justices of the Peace within the said county of New London, for the year ensuing.

The Hon^{bl} Nathan Gold, Esqr, is by this Assembly chosen and appointed to be Judge of the Court of Probate in the county of Fairfield for the year ensuing.

Peter Burr of Fairfield, Esq^{r}, is by this Assembly chosen and appointed to be Judge of the County Court in the county of Fairfield for the year ensuing;—and James Olmstead, Esq^{r}, John Minor, Esq^{r}, James Judson, Esq^{r}, Jonathan Sellick, Esq^{r}, John Sherman, Esq^{r}, Joseph Wakeman, Esq^{r}, and James Bennitt, Esq^{r}, are by this Assembly chosen and appointed to be Justices of the Peace and Quorum within the said county of Fairfield, for the year ensuing;—and Capt. James Beebee, Mr. Joshua Knap, Mr. Samuel Peck, and Mr. Samuel Hoyt, are by this Assembly chosen and appointed Justices of the Peace within the said county of Fairfield, for the year ensuing.

This Assembly do establish and confirm Mr. Samuel Humphrey to be Lieutenant, and Mr. Richard Case to be Ensign, of the company or trainband in the town of Simsbury.

This Assembly do establish and confirm Mr. William Goodrich to be Lieutenant of the north company or trainband in the town of Wethersfield.

This Assembly do establish and confirm Mr. Josiah Barber to be Lieutenant of the company or trainband on the south side of the riveret in the town of Windsor.

This Assembly do establish and confirm Mr. Joseph Platt to be Captain, Mr. Mathew Seamore to be Lieutenant, and Mr. James Stewart to be Ensign, of the north company or trainband in the town of Norwalk.

This Assembly do establish and confirm Mr. John Raymond to be Captain, Mr. Samuell Hanford to be Lieutenant, and Mr. Samuel Comstock to be Ensign, of the south company or train-band in the town of Norwalk.

It is ordered and enacted by this Assembly, That there shall be allowed and paid out of the publick treasury of this Colony, by the treasurer, to the constables, for collecting the country rate granted by this Assembly in June, 1709, two pence upon the pound for all that part thereof which shall be collected in bills of credit, and four pence upon the pound for so much thereof as shall be collected in provisions, and no more.

Upon consideration of the petition of John Sloss of Fairfield, now presented to this Assembly, praying that an action late depending in the county court held at Fairfield in March last past, between the petitioner and Mr. Joseph Phippen of Fairfield, and there withdrawn by Gideon Allyn, may be revived, &c., and this Assembly having heard the pleas of both the said parties, do not see cause to grant to the petitioner the [102] matter petitioned for, but do adjudge the ‖ petitioner to pay to the said Joseph Phippen the cost of his attendance at this Assembly upon the said petition, which is allowed to be thirty six shillings in pay, and that execution shall be granted for the same accordingly. *Execution was granted June 28th*, 1710.

Upon consideration of the petition of Samuell Oviat, Thomas Oviat, W^m^ Addams, and Josiah Wetmore, of Milford, now presented to this Assembly, praying that an action of the case which the said petitioners commenced against Capt. Joseph Treat of Milford, for the recovery of two parcels of land, at a county court held at Newhaven, in March, 1708-9, and which (by review) was depending in the county court held at Newhaven, in November, 1709, where the petitioners were non-suited, may be revived and proceed to a tryal at the next county court to be holden at Newhaven aforesaid: This Assembly do order and enact, that the said action is and shall be revived, and proceed to tryal in law at the county court to be holden at Newhaven in November next, and further as the law allows, the said non-suit notwithstanding.

Upon consideration of the petition of Bevell Waters of Hartford, now presented to this Assembly, praying that the proceedings of the courts of assistants held in May and October, 1708, upon an action of the case there depending between the petitioner and Robert Sandford, may be reversed, and that he may have a new tryal: This Assembly do not see reason to grant either of the matters petitioned for, but do adjudge the

petitioner to pay the said Robert Sandford the cost of his attendance upon the said petition at this Assembly, which is allowed to be twenty shillings in country pay, and that execution shall be granted for the same accordingly. *Execution was granted June 9th*, 1710.

Whereas the General Assembly of this Colony, setting at Newhaven, in October last past, did order and appoint William Pitkin and John Haynes, Esq^rs^, Mr. Joseph Talcott and Caleb Stanly, surveyor, a committee, to survey and run the northern line or boundary of the town of Windsor, as it ought to be run and surveyed, according to the true intent and meaning of the grants of the General Assembly of this Colony, formerly made to the inhabitants of that town, by their best discretion, and to make or cause to be made monuments or boundmarks therein, according to the direction of law, that the same may be visible and known, and to make report thereof to this Assembly at this time: And whereas the said committee, in pursuance of the said act or order, have actually surveyed and run the said northern line or boundary of the said town of Windsor in manner following, that is to say,—Beginning at the mouth of Kettle Brook (commonly called Stony Brook,) where it empties itself into Connecticut River, against an island in the river, the said line runs west (by the needle of the surveying instrument) five miles into the wilderness, and east (from the east side of said Connecticut River) eight miles into the wilderness, and caused ditches to be made all the length of the said line throughout, at the distance of every eighty rods, according as the law requires, whereof they have made report now to this Assembly:—This Assembly do now order, enact, and declare, that the said line so surveyed, run and ditched as aforesaid, is and shall be the northern line or boundary of the said town of Windsor forever. Provided always, that this settlement of the said line or boundary, shall not be construed to the prejudice or hurt of any of the heirs of Sir Richard Saltonstall, deceased, in their claim and right to a tract of land near the Warehouse Point, commonly called [103] Saltonstalls Park, || nor to the hurt or prejudice of the right and claim of the town of Simsbury to the land formerly granted them for a town by the General Assembly of this Colony.

This Assembly do establish and confirm Mr. Joseph Talcott to be Ensign of the north company or trainband in the town of Wethersfield.

Upon consideration of the petition of Zachary Mayner of Groton, now presented to this Assembly, relating to an action lately depending between the said Zachariah Mayner and

Thomas Rose, senior, of Preston, at the court of assistants holden at Newhaven, October 4th, 1709, and the pleas and allegations of both the said parties: This Assembly do order, enact, and declare, that the said action is, and shall be revived, and finally heard, tryed and issued, at the court of assistants to be holden at Newhaven on the first Tuesday of October next; at which court the said parties are hereby ordered to appear and attend accordingly. And that the said court of assistants may the better obtain a full and clear understanding of the said action or case, and the grounds and reasons thereof, this Court do order and appoint Mr. John Plumb, surveyor, Deacon Christopher Huntington, and Capt. Richard Bushnell, to survey and measure the lands originally granted to Allyn and Lewis, at the cost and charge of the said Mayner, and to make a true map or platt thereof, and to lay the same before the said court of assistants in October next. The said Plumb, Huntington, and Bushnell, or any two of them, to do this work, first giving seasonable notice thereof to the said Mayner and Rose to be present at the doing thereof, if they see cause.

This Court having heard and considered the petition of Joseph Johnson, now or late of Plainfield, presented to this Assembly by Major James Fitch, his attorney, relating to a judgment of the court of assistants which sometime since was obtained by John and Wait Winthrop, Esq^{rs}, against him the said Johnson, whereby he, the said Johnson, is (as he says,) greatly wronged, and in his said petition now prays for relief, do determine to refer, and accordingly this Assembly do refer the hearing and consideration of the said petition, unto the General Assembly to be holden at Newhaven, in October next, that there may be further time allowed for the said Wait Winthrop, and the executors of the said John Winthrop, deceased, to attend and be heard in what they shall see cause to offer against the prayer of the said petition.

This Assembly do establish and confirm Mr. Ephraim Goodrich to be Lieutenant, and Mr. Benjamin Talcott to be Ensign, of the company or trainband in the town of Glassenbury.

Upon consideration of the petition or request of Joseph Kerby and Daniell Clark of Middletown, presented to this Assembly, relating to a late depending action between the said Daniell Clark and John Sage of Middletown, at the court of assistants, held at Hartford, on the first Tuesday of this instant May, and praying for some relief: This Assembly do allow and grant liberty to the said Kerby and Clark to lay their complaints and grievances about the said action, and the

matters thereof, before this Assembly in October next, they attending the direction of the laws therein. And this Assembly do order and enact, that the clerk of the said court of assistants shall not grant or issue forth execution upon the judgment given upon the said action at the said court, until after the session of the Assembly in October next; provided they, the said Joseph Kerby and Clark, or one of them, shall give sufficient bond before this Court to prosecute their said complaint, and answer all damages that shall be recovered against [104] them by the said John Sage. || And the said Joseph Kerby, and Lieut. John Stanly of Farmington, before this Court acknowledged themselves to stand joyntly and severally bound to the treasury of this Colony, in a recognizance of twenty pounds lawfull money; the condition whereof is, that he the said Joseph Kerby and the said Daniell Clark shall prosecute their said complaint to effect, and answer all damages to the said John Sage, in case they make not their plea good.

It is resolved by this Assembly, That whatsoever masters do enter and clear their vessels with the naval officers in any of the ports within this Colony, have free liberty to sail directly from such port where they shall so enter and clear, to any port in Great Brittain, or in her Majesties Plantations, without being obliged to enter or clear their said vessels in any other port within this Colony.

It is resolved by this Assembly, That the libels filed by John Shackmaple, Esq^{r}, against Daniell Blinn, master of the sloop Sarah and Mary, seized about the 14th of November last, and against Jonah Gross, master of the sloop Diamond, alias Tryall, seized about the 16th of said November, in a court said to be held by Roger Mompesson, Esq^{r}, as judge of the admiralty in this Colony, on the 3d of April last, ought to have been filed in some one of her Majesties courts of common pleas in this Colony, (there being express provision made in the laws of this Colony for a speedy tryal to be had in such cases.) This Assembly do therefore order, that the Secretary of this her Majesties Colony, do forthwith transmit a copy of this resolve to the said Roger Mompesson, Esq^{r}, and John Shackmaple, Esq^{r}, that all further proceedings in the said cases may be stayed in the said court held by said Roger Mompesson, and the said libels brought in one of the said courts of common pleas, according to the law in such case provided.—Memorandum. The Secretary sent the same accordingly, May 22d, 1710.

This Assembly do establish and confirm Mr. James Steele to be Captain, Mr. Benjamin Woolcott to be Lieutenant, Mr. Stephen Willard to be Cornet, and Mr. Samuell Strong to be Quarter-master, of the Troop in the county of Hartford.

Whereas Hannah Brown, sometime Hannah Williams, widow, relict of Augustine Williams late of Killinsworth, deceased, and administratrix on his estate, in her life time did sell and dispose of some part of the moveables of that estate, which were intended for the portion of Daniell and Mathew Williams, two of the sons of the said deceased, for the purchasing of lands for their use, and did accordingly purchase and buy four acres of land on the great hammock in Killinsworth, and certain two thousand acres right of lands in Hebron, and took deeds thereof in her own name and right, but neglected in her life time to convey and make over the same to her said sons Daniell and Mathew: And whereas the said Daniell Williams and Capt. John Crane, administrators on the estate left by Mr. John Brown and the said Hannah Brown, deceased, have now petitioned to this Assembly, that some person or persons may be authorized and impowred to make over and convey the said lands to them the said Daniell and Mathew for their own use, according to the intent of their said mother: This Assembly do now therefore authorize, appoint, and fully impower the said Capt. John Crane of Killinsworth, administrator aforesaid, to make and execute sufficient deeds and conveyances of the aforementioned lands, equally unto the said Daniell Williams and Mathew Williams, and to their heirs forever.

This Assembly having now heard and considered the petition of John Edgcomb of New London, and Elizabeth his wife, presented to this Assembly, referring to an action late depending and tryed at the court of assistants, between Joshua Hempstead and Samuel Fish, and praying this Assembly to grant another tryal therein, or else to hear and receive their accompts of administration on the estate of Joshua Hempstead, deceased, and of their great charge in keeping one of his children: This [105] Assembly || do not see cause to grant to the said petitioner either of the matters petitioned for, but do adjudge him to pay to Joshua Hempstead of New London, the sum of twenty six shillings and ten pence lawfull money, for his cost of attendance at this Assembly, upon the said petition, and that execution shall be granted for the same accordingly.

This Assembly do order and appoint Mr. Richard Lord and Mr. Nathanael Hooker for and within the county of Hartford, and John Alling, Esq^{r}, and Mr. Abraham Bradly for and with-

in the county of Newhaven, and Richard Christophers, Esq^{r}, and Mr. Jonathan Prentts for and within the county of New London, and Peter Burr, Esq^{r}, and Mr. Moses Dymond for and within the county of Fairfield, to take care of all arms, utensils, cloathing, and other things that were, are, or may be lodged in their respective counties, by any of our souldiers on the late expedition to the Wood Creek, or other persons, which the Colony have paid for; and to sell and dispose of the same arms and other things for the best profit and advantage of this Colony, and to lay an account thereof before this Assembly in October next.

It is ordered and enacted by this Assembly, That there shall not be allowed and paid out of the publick treasury of this Colony, to any of the souldiers who went out of this Colony the last summer, on the expedition to the Wood Creek, and came home sick, or were taken sick with the camp disease soon after they came home, any more for their tendance and subsistence then ten shillings per week, as money, and that only for and during the time of their sickness.

This Assembly grants full power to Thomas Burd of Farmingtown, administrator on the estate of his brother, James Burd late of Farmington, deceased, to make and execute deeds of exchange unto John Judd and Daniell Judd, (sons of Serjeant William Judd, deceased,) of said Farmington, for the land the said James Burd, deceased, agreed to exchange and make over unto the said John and Daniell Judd, and put them into possession thereof, and also to take a deed or deeds of exchange from the said John and Daniell Judd, for the land they agreed to exchange and make over unto the said James Burd, and whereof he dyed seized, for full confirmation of the said exchange.

This Assembly grants full power to Samuell Bancraft of Windsor and Joanna Bancraft his wife, (late Joanna Allyn, widow,) administratrix on the estate of Thomas Allyn late of Windsor, deceased, to make sale of all that part of a certain grist mill and the land thereunto adjoyning and belonging, lying in Windsor aforesaid, which did late belong to the said Thomas Allyn, deceased, and whereof he dyed seized, and the produce thereof to dispose for the payment of the debts due from the said estate, to the creditors thereof, and also to make and execute sufficient deeds and conveyances of the same. And this Assembly do order that the said Samuell and Joanna Bancraft do render and give an accompt of their disposal of the produce, upon their sale of the said mill, to the court of

probate in the county of Hartford, from time to time as by them shall be required.

Upon consideration of the petition of William Johnson of Canterbury, now presented to this Assembly by Major James Fitch, his attorney, relating to an action late depending in the court of assistants between the said James Fitch and Solomon Tracy, and praying that the said action may be revived, or else that this Assembly would hear and issue the same themselves, &c.—This Assembly do not see cause to grant to the said petitioner either or any of the matters petitioned for, but do adjudge him to pay to the said Solomon Tracy the sum of twenty two shillings and eight pence lawfull money, for his cost [106] ‖ of attendance at this Assembly upon the said petition, and that execution shall be granted for the same accordingly. *Execution was granted June 2d*, 1710.

An Act relating to Sureties upon Mean Process in Civil Actions.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, and it is ordered and enacted, That where bail is given upon mean process in any civil action, not only for the appearance of the party to answer the suit, but also to abide the order or judgment of the court, that shall be given thereon, every such surety or sureties shall be obliged to satisfie the judgment in case of the principal's avoidance, and the return of non est inventus upon the execution; unless the surety at the time of entring up final judgment, do bring the principal into court, and move to be discharged, upon which the court shall order the keeper of the prison to receive him into custody, that so his body may be taken in execution. And the party for whom the judgment was given may have a writ of scire facias out of the same court against such surety or sureties; and in case no just cause be shewn to the contrary, the judgment shall be affirmed against the surety or sureties, with the additional costs of suit, and execution be accordingly granted. Always provided, that such writ of scire facias be taken out and served upon the surety within twelve months after the said final judgment, and not afterwards; and every surety of whom such recovery is made, may bring his action for damages against the principal debtor.

Whereas the General Assembly of this Colony, held at Hartford, May 11th, 1683, did appoint Mr. Nathanael Stanly, Mr. James Steele, and Mr. Cyprian Nickols, or any two of them, to lay to Simsbury their bounds according to the grant of this Court; and the said committee pursuant to the said order and

appointment, sometime in or about the year 1687, entred upon and begun the said work, and surveyed the eastern line or boundary of the said town of Simsbury, and from the north east corner thereof run one mile and an half of the northern boundary, and then left off: This Assembly do now allow and approve the said lines so surveyed and run, and order that their report thereof be recorded with the publick records of this Colony. And this Assembly do order and appoint Mathew Allyn, Esq^{r}, Lieut. Daniel Hayden, and Benajah Holcomb, jun^{r}, of Windsor, or any two of them, to survey and run the rest of the northern line, and also the western line or boundary of the said town of Simsbury, and to make a report or return of their doings therein to this Assembly in May, 1711.

Whereas Ensign Solomon Andrews petitioned this Assembly to reverse a judgment obtained against him by David Forbs, at the court of assistants holden at Newhaven, on the first Tuesday in October, 1709, to the sum of forty one pounds nineteen shillings and four pence lawfull money of this Colony, for debt, and four pounds and twelve shillings like money, costs of suit: This Court upon hearing and consideration of the pleas and allegations of both parties do order, that the said Solomon Andrews shall pay to David Forbs, the sum of five pounds eight shillings and two pence lawfull money, and make and execute releases to said David Forbs according to the award, more ample than that on file in this Court, if said Forbs shall demand the same; and that said Forbs shall recover costs of waiting at this Assembly; and this to be done on said David Forbs his giving him releases according to the award; and upon said Andrews his paying and tendering re-
[107] leases as above, the title to the land acquired by || execution on the said judgment, from said Solomon Andrews to the said David Forbs, shall be forever void, and the said Solomon Andrews shall hold the said land to him and his heirs forever, as if no execution had been levyed thereon. Costs allowed to the said David Forbs for his waiting at this Assembly is twenty and two shillings lawfull money.

It is resolved by this Assembly, That by way of condolence, two trucking cloth coats be given to the next relations of each of those four Indians that were slain the last year in the service of this government against the enemy, and that Coll^{o} Whiting take care that four of the said coats be distributed to the relations of those two of the Indians so slain that lived upon this river, viz: Mattawamp and Young Jorup.

This Assembly remembering the great and good services done for this Colony by the antient and honourable Coll^{o} Robert

Treat, late Governour, do give and grant unto him out of the publick treasury of the Colony, the sum of twenty pounds, as money, to be paid him by the treasurer.

This Assembly do allow and grant out of the publick treasury of this Colony, to Doctor James Laborie, three shillings and four pence per day, as money, for his service done for the Colony as doctor and surgeon for the army in her Majesties service at the Wood Creek, the last year.

Whereas this Assembly, by their act in May last, did constitute a Commission Court, to hear and determine all causes of difference that might arise from the management of the affairs of the copper mine of Simsbury: This Court doth see meet to continue and appoint, for the year ensuing, the Worshipfull W^m^ Pitkin, John Haynes and John Hooker, Esq^rs^, to be Commissioners to hold the said court, according to the said act for that end provided.

This Assembly grants full power to Hezekiah Lewis of Wallingford, administrator on the estate of his late father, Ebenezer Lewis of said Wallingford, deceased, to make and execute a good and sufficient deed or conveyance of a certain piece of land lying in Wallingford, unto Samuell How of that town, which the said Ebenezer Lewis, deceased, in his life time did bargain and sell to the said How, and received the money for it, but neglected to give a deed thereof.

Mr. James Wells and Mr. Daniell Brainard now presented to this Assembly an agreement in sundry articles, made and concluded by and between the inhabitants of the town of Haddam on the west side of Connecticut River of the one part, and the inhabitants of said Haddam on the east side said river of the other part, bearing date January 16th, 1709–10, and subscribed by committees on their behalf respectively, and after approved by the town, for the composing and determining sundry differences arisen amongst them;—and the said James Wells and Daniell Brainard now pray'd this Assembly to allow and approve the same: This Assembly therefore do allow and approve the said agreement, and order that it be kept upon file in the secretarys office.

Upon consideration of the petition of Mr. Stephen Clapp of Sittuate, in the Province of the Massachusetts Bay, in behalf of himself and divers other persons within the said Province, now presented to this Assembly, setting forth that the said petitioners have lately purchased a sufficient tract of land for a township, within this Colony, of Major James Fitch and James Corbin, for great and valuable considerations, and praying that the said tract of land may by this Assembly be

confirmed to them, and their heirs and assigns, and that they may accordingly have a pattent granted to them for the same: This Assembly do not see cause to grant to the said petitioners any confirmation of or pattent for the said land.

[108] Mr. Nathanael Hooker of Hartford, presented a petition to this Assembly, praying that the judgment of the court of assistants held at Newhaven, October 5th, 1708, given upon an action there depending between the petitioner and the inhabitants of the town of Wethersfield, may be made void and of none effect, for that it was made up on a verdict of the jury which had no respect to the issue joyn'd and committed to them, and praying also that another hearing and tryal of the said action, at the court of assistants, may be granted unto him, for a final issue thereof: This Assembly having considered the said petition, and the pleas of the petitioner thereupon, together with the answers and replys of the selectmen of Wethersfield, do order and enact, that the aforementioned judgment of the court of assistants given upon the said action is, and shall be wholly void and of none effect, and that the said petitioner shall have one more hearing and tryal of his said action at the court of assistants to be holden at Newhaven in October next, for a final issue thereof, without any new summons, citation, or process whatsoever. And the parties are hereby ordered to appear and attend at the said court of assistants in October next, upon the said tryal accordingly. And this Assembly do not see cause to allow any costs, neither to the petitioner, nor the said selectmen of Wethersfield.

This Assembly grants to Capt. Joseph Whiting, Treasurer of this Colony, as an addition to his salary for the last year past, and for his service unto this time, the sum of sixteen pounds thirteen shillings and four pence, as money; provided he shall continue in his office of treasurer for the year ensuing.

Samuell Allyn and Benjamin Allyn, of Windsor, presented a petition to this Assembly, praying that an act or order of the General Assembly of this Colony, held in May, 1697, relating to the sum of one hundred pounds due from the estate of their father, Capt. Thomas Allyn, deceased, to their brother, Mathew Allyn, may be reversed, and the said Mathew admitted to recover his said debt at the common law, &c.: This Assembly having considered the said petition, and the pleas of the petitioners thereupon, with the replys of the said Mathew Allyn thereunto made, do not see cause to grant to the petitioners any of the matters petitioned for, but do adjudge them to pay eighteen shillings and four pence, money, to the said Mathew

Allyn, for his attendance at this Assembly upon the said petition, and order that execution be granted for the same.

Whereas the General Assembly of this Colony, held at Hartford, May 13th, 1708, did grant to the inhabitants of the town of Mansfield a freedom from paying rates to the country for the term of six years, (provided they should improve the money which ought to be paid to the country for the building of a meeting house or ministers house.) And whereas this Assembly in May last past did order and enact that all towns exempted from paying country rates should notwithstanding pay their proportion of the publick charge for that year, excepting three pence on the pound abated to them: This Assembly do now again grant to the inhabitants of the said town of Mansfield the freedom granted to them for six years as aforesaid, the last mentioned act notwithstanding.

[109] This Assembly grants full power to Thomas Steele and William Steele of Hartford, administrators on the estate of their late brother, Samuel Steele, jun^{r}, of said Hartford, deceased, to make and execute a good and sufficient deed of sale of the house and homelot lying in Hartford, late belonging to the said deceased, unto Capt. Joseph Whiting of Hartford, to procure money to pay for the same house and homelot, which the said Samuel Steele did not pay (for the purchase thereof) in his life time.

This Assembly do now release the inhabitants of the town of Kellingly, from paying any rates or taxes to the Colony for the term of four years from this time; and this Assembly do order that the said inhabitants during that time do notwithstanding annually make a true and exact list of their polls and estates according to law, and levy the like rates as are granted and hereby released to them, and cause the same to be collected by their constable, and paid to their selectmen, to be by them improved for building a meeting house and ministers house.

This Assembly grants full power to Elizabeth Hollister of Wethersfield, widow, and Ebenezer Seamor of Farmington, administrators on the estate of Capt. Stephen Hollister late of Wethersfield, deceased, to sell so much of the lands belonging to that estate as may be sufficient with such of the moveables thereof as can be spared, to pay the debts due from the said estate to the creditors thereof, with the allowance and direction of the court of probate in the county of Hartford, and to make and execute sufficient deeds and conveyances of the same.

An Act for better Regulating, and giving a more Effectual Currency to the Bills of Publick Credit.

Whereas the want of a due currency of the bills of publick credit, created by an act made and passed by the General Court or Assembly, begun and holden at Newhaven, upon Wednesday, the 8th of June, 1709, and continued by adjournment unto the 11th day of the same month, and by one other act made and passed by the General Court or Assembly, begun and holden at Newhaven, upon Thursday, the 13th day of October, 1709, and continued by adjournment unto Friday, the 28th day of the same month, hath been and is still like to be very prejudicial to this Colony in general, as well as to particular persons:—For remedy and prevention thereof,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all the rates hereafter to be made pursuant to either of the said forementioned acts, for the providing a fund or security for the repayment and drawing in of the said bills to the treasury of this Colony, shall be paid either in bullion at the rate of eight shillings the ounce, troy, or in the bills of publick credit created as aforesaid, and in no other manner.

And be it further enacted by the authority aforesaid, That all the rates or taxes to be hereafter made and levyed, pursuant to the said acts, or either of them, for supplying the said treasury with a fund for the repayment and drawing in of the said bills as aforesaid, shall be made, levyed, collected, and paid in to the treasury aforesaid, at, or before the last day of June, which shall be in the year of our Lord one thousand seven hundred and fifteen, any thing in either of the forementioned acts to the contrary notwithstanding.

And whereas the words [in all publick payments] which were inserted in the form of the said publick bills of credit created by the aforesaid acts, are omitted in the aforesaid bills of credit, which may occasion some dispute, although the said [110] words are not so material in || the tenour of the said bills, as of necessity to be any damage to them: yet for the prevention of any such disputes or other inconveniencies that otherwise may afterwards arise therefrom,

Be it enacted, and it is hereby enacted by the authority aforesaid, That the said bills of publick credit created as aforesaid, shall be as good and effectual to all the intents and purposes mentioned in either of the aforesaid acts, or in this present act, or any other intents and purposes whatsoever, as they might or could have been, if the said words so omitted as aforesaid, had been inserted fully and at large in the said bills.

Be it also enacted by the authority aforesaid, and it is hereby enacted, That such person or persons as shall be convicted before the court of assistants of counterfeiting any of the bills of credit created by the aforesaid acts, or confirmed, ratifyed and made good by this present act, shall pay all damages that shall accrue thereby, to be adjudged and awarded by the said court, upon conviction as aforesaid, and suffer six months imprisonment, and such other penalty, or corporal punishment, as the said court (respect being had to the degrees of such crime,) shall judge meet, or inflict; one moiety of the said fine to the publick treasury aforesaid, and the other moiety to him or them as shall in the said court sue for the same and prosecute his suit to effect.

This Assembly grants to Capt. Joseph Talcott, Speaker of the Lower House, at this session, twenty five shillings, as money, for his service therein.

This Assembly grants to Capt. Richard Bushnell, Clerk of the Lower House, at this session, twenty shillings, as money, for his service therein.

This Assembly grants to Phillip Smith and George Olcott, constables of Hartford, for their attending upon this Assembly, each two shillings and eight pence per day, as money, they bearing their own charges.

It is ordered and enacted by this Assembly, That the treasurer shall forthwith pay unto the members of this Assembly and the officers attending thereupon, the fees allowed to them respectively by law and the grants of this Assembly at this time, upon their demand, and that according to the former custom, they shall be allowed for Lords days, as well as other days.

This Assembly do order and appoint John Alling, Richard Christophers, Peter Burr and Richard Lord, Esq^{rs}, and Mr. Nathanael Hooker, or any four of them, to audit the Colonys accompts with the treasurer, and for that end to attend with the treasurer at Newhaven for that work on the first Tuesday of October next. And the said auditors shall lay before the General Assembly at Newhaven in October next, a fair and plain accompt of what the Colony shall then be indebted to all persons, as near as may be, and of what sum or value of the bills of credit shall then be remaining in the treasurers hands.

This Assembly do order and appoint this figure, viz. , a diamond, to be the town brand for the town of Hebron for their horses.

It is ordered and enacted by this Assembly, That the Council to assist the Governour, or in his absence the Deputy Governour, in the intervals of this Assembly, shall consist of two of the assistants at the least, and four able, judicious freemen, such as the Governour, or in his absence the Deputy Governour, shall call to Council; who shall have power in the intervals of the General Assembly, to manage the affairs of this Colony, according to charter, but not to raise men to send out of the Colony, unless it be in case of exigency, nor to raise money.

And this Assembly do order and enact, That Daniell Wetherell, Esq^{r}, shall be admitted to set and assist in Council, in the [111] room and stead of || an assistant, as often as the Governour shall call him to set in Council.

This Assembly grants to Mr. Samuell Webster, sheriff of the county of Hartford, (besides what hath been already granted and allowed to him,) for his attendance upon the courts, and other service done by him for the Colony to this time, the sum of three pounds and ten shillings, as money, to be paid him by the treasurer.

An Act to save Masters harmless from the damages they may incur by the Desertion of their Servants from the Camp at Wood Creek.

It is enacted by the Governour, Council and Representatives, That such souldiers as deserted out of the troops of this government, from the camp at Wood Creek the last summer, and were apprentices to any persons within this government, shall by any of the county courts be made to return to their respective masters, and serve with them for so long time as their apprenticeship continued while they were in the said service and till they returned home. Either of the said county courts are hereby impowred to bind out such apprentices to their respect ive masters for such time, unless they shall, within three months after the beginning of the sessions of this Assembly, produce a certificate under the hands of their respective masters, to the county court of that county where their said masters shall live, and sufficiently witnessed, that they have fully satisfied their said masters for the said time.

Whereas it hath been found that the laws laying an impost upon wines, rum and other spirits, is not so effectual as to attain the proposed end: for the rendering of the said act more effectual, especially considering the great charges of the Colony,

It is hereby enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of

the same, That if any master of any vessel shall not, at the port where they enter their said vessels, and before their said entry, take the oath provided in an act made by this Assembly holden at Newhaven, June 8th, 1709, before the naval officer there, all such rum, wines or spirits as shall be found on board the said vessel, or shall be landed out of the said vessel shall be forfeited, one half thereof to the treasury of this Colony, and the other half to the informer who shall sue for the same in the county court where the said liquors shall be so imported or landed; and the naval officer in such port is hereby impowred to make seizure of all such liquors as shall be imported or landed contrary to the intent and meaning of this act.

This Assembly do establish and confirm Mr. Michael Griswold to be Ensign of the south company or trainband in the town of Wethersfield.

[*An Act to prevent and make void Clandestine and Illegal purchases of Land from the Indians.*

Whereas this government did by an act and law made many years since, inhibit and forbid all persons purchasing any lands of the Indians without the lycense and approbation of the General Court; notwithstanding which sundry persons for private lucre have presumed to make purchases of lands from the Indians, not having any lycense or approbation as aforesaid for the same, to the injury of the natives and great disquiet and disturbance of many of the inhabitants of this Colony.

This Act not being fully agreed upon, is ordered not to be entred any further at this time, and to be crossed.]

[112] Whereas the General Assembly holden at Hartford, May 9th, 1706, upon information to them made, of a tract of land within this Colony, westward of the town of Woodstock, northward of the town of Mansfield, and adjoyning to the great pond called Christall Pond, that may be sufficient to make a good and sufficient town, did thereupon grant a township there, of the extent of eight mile square, or equivalent thereunto, and for that end did appoint and impower Major John Chester, Capt. Mathew Allyn, Capt. Cyprian Nickols, Capt. John Higley, Mr. John Hooker, Mr. Caleb Stanly, and Mr. Eleazar Kimberly, they or any three of them, to be a committee to survey and lay out the said township of the extent aforesaid, and to make return to the Assembly in October then next following for further confirmation, and also to lay out homelots therein, and to manage the affairs thereof, and to admit inhabitants thereon as were by them approved; and the said committee not having yet performed that work: This Assembly do now order, appoint and fully impower, the said

Mathew Allyn, Caleb Stanly, John Higley, with Capt. Richard Bushnell and Mr. Thomas Williams, or any three of them, to be a committee to survey and lay out the said town so granted, and homelots and other divisions therein, and to receive and admit inhabitants thereon, and to give and grant lots to them there, and to manage the affairs of the town according as need shall require, and to make a report of surveying and laying out the same to the General Assembly in May next.

Capt. Joseph Talcott is by this Assembly chosen and appointed to be Major of the regiment of militia in the county of Hartford.

It is ordered and enacted by this Assembly, That an embargo be forthwith laid upon all sorts of provisions that are not already shipped, till the last day of June next.

Whereas in an act passed in this Court at Newhaven, in October, 1709, for the stating the wages of divers officers and centinels in the expedition against Canada, it is said, Whereas there was divers ineffective men impressed for said expedition, and afterward released, and that all such ineffective souldiers shall pay to the treasury of this Colony of his or their own money, for all that they have taken up on the Colonys accompt, more then their wages amount to as stated in said act: It is now ordered and declared by this Assembly, that all such souldiers who went forth in said expedition, and took up more then their wages, it being charged to the Colonys accompt, shall be regulated by and according to the said recited act.

A bill of exchange drawn by Sir Henry Ashhurst upon the Governour and Company of this Colony, for the sum of one hundred forty and seven pounds New English money, in pieces of eight of seventeen penny weight, at six shillings the piece, and bearing date May 18th, 1709, is now accepted by this Assembly, and ordered to be paid by the treasurer out of the Colony treasury.

It is the opinion of this Assembly, that they cannot oblige [113] || any of her Majesties subjects to answer appeals before her Majesty in Council.

The whole record of the several acts, grants and orders of this Assembly, as they stand in the pages of this book next preceding, were read in the presence of both Houses, and ordered to be signed by the Secretary as perfect and compleat.

Test. Caleb Stanly, Secretary.

May 26th, 1710. This Assembly is adjourn'd until the Governour or Deputy Governour shall see cause to call them to meet again.

CONNECTICUT COLONY.

At a General Assembly called by special order of the Honourable the Governour and Council, and holden at Newhaven on Fryday, the 4th day of August, in the ninth year of the reign of our sovereign Lady Anne, Queen of Great Brittain, &c. Annoque Dom. 1710, and continued by several adjournments to the 11th day of the same month.*

Present at this Assembly were,

The Honourable Gurdon Saltonstall, Esq^r^, Governour.
The Honourable Nathan Gold, Esq^r^, Deputy Governour.

Assistants,

John Hamlin, Esq^r^,
William Pitkin, Esq^r^,
Joseph Curtis, Esq^r^,
John Chester, Esq^r^,
Josiah Rossetter, Esq^r^,
Richard Christophers, Esq^r^,
Peter Burr, Esq^r^,
John Alling, Esq^r^,
John Haynes, Esq^r^,
Samuel Eells, Esq^r^,
Mathew Allyn, Esq^r^.

Deputies or Representatives that were present and attended at this Assembly were as hereafter followeth: that is to say,—

Major Joseph Talcott, Mr. Nathan^l^ Hooker, for Hartford.
Mr. Abraham Bradley, Mr. Samuell Smith, for Newhaven.
Mr. Jonathan Prentts, for New London.
Capt. Joseph Wakeman, Capt. John Burr, for Fairfield.
Capt. James Avery, Mr. John Morgan, for Groton.
Mr. Christopher Huntington, for Norwich.
Capt. Abraham Fowler, Mr. James Hooker, for Guilford.
Capt. Nath. Harrison, Mr. Edward Barker, for Branford.
Capt. Nath^l^ Cheesbrough, for Stonington.
Mr. Joshua Ripley, Mr. Joseph Carey, for Windham.
Mr. Joseph Peck, for Lyme.
Mr. Thomas Williams, for Plainfield.
Mr. Joseph Tuttle, Mr. Daniel Collins, for Easthaven.
Capt. William Clark, for Lebanon.
Mr. John Eliot, Mr. Roger Woolcott, for Windsor.
Mr. John Stanly, Capt. John Hart, for Farmington.
Capt. Joshua Robins, Mr. William Warner, for Wethersfield.
Mr. James Beebee, Mr. Josiah Starr, for Danbury.
Mr. Stephen Whittelsey, Mr. Benjamin Lord, for Saybrook.

* The Journal of neither House is known to be extant.

Capt. Nathanael White, Capt. John Hall, for Middletown.
[114] Mr. Jonathan Law, Mr. Joseph Peck, for Milford.
Mr. Joseph Platt, Mr. Samuel Betts, for Norwalk.
Mr. Samuel Loomis, for Colchester.
Capt. John Higley, Mr. Saml Wilcockson, for Simsbury.
Mr. John Griswold, Capt. John Crane, for Killinsworth.
Mr. John Shermon, for Woodbury.
Mr. Samuel Hale, Mr. Thomas Kimberly, for Glassenbury.
Mr. James Wells, Mr. Daniell Brainard, for Haddam.
Mr. Joseph Knap, Mr. Gershom Lockwood, for Greenwich.
Mr. John Hall, Mr. Samuel Royce, for Wallingford.
Mr. Benjamin Beach, for Stratford.
Mr. John Riggs, for Derby.
Mr. Jonathan Bates, for Stamford.
Mr. James Wadsworth, Mr. Caleb Seward, for Durham.
Mr. John Hopkins, Mr. Stephen Upson, for Waterbury.

Major Joseph Talcott was Speaker, } of the House of Repre-
Mr. Jonathan Law was Clerk, } sentatives.

By order of the Honourable the Governour, the gentm: members of both Houses being met together, his honour caused several letters and writings to be read before them; particularly, a letter from her Majestie, bearing date the 10th of March, 1709–10, directed to the Honbl the Governour of this Colony, requiring the assistance of her subjects here in an expedition which her Majestie hath ordered now forthwith to be made against Port Royal and Nova Scotia, under the direction and command of the Honourable Colo Francis Nicholson, whom her Majestie hath appointed to be General and Commander in Chief upon the said expedition; and a letter from the Right Honbl the Earl of Sunderland, one of her Majesties principal Secretarys of State, relating to the said expedition; and a copy of part of her Majesties instructions to Colo Nicholson, with his commission from her Majestie for the said expedition; and also a letter from said Colo Nicholson and Colo Vetch directed to his honour relating to the same; also a copy of the resolves and conclusions of the Grand Council of War, held at Boston, July 28th and 29th last past, (whereof his honour was a member,) concerning the expedition aforesaid; and the Governour recommended the consideration of the said several letters and writings to this Assembly.

Whereas her Majestie has been pleased to order an expedition to be made against Port Royal and Nova Scotia, now immediately under the command of the Honble Francis Nicholson, Esqr, General for the same, to be assisted therein by men out of this Colony, who are (according to the resolve of the Coun-

cil of War appointed by her Majestie,) to rendezvouz at Boston by the 22d day of this present month of August:—This Assembly, considering the short time allowed for the raising and transporting of their troops to Boston, the present insults of the enemy on the frontier towns of this government, and the numbers of our men now posted out for their defence, the loss of about ninety men by sickness in the expedition begun the last year, the weakness and inability of many more yet unfit for service by reason of the said sickness, and many other difficult circumstances,—and being notwithstanding, desirous therein to express their gratitude and obedience to her Majestie, who, at such a juncture has assigned so considerable a number of her officers and troops from Great Brittain, with such quantities of stores of war for the carrying on the said expedition, which, if it please God to prosper, will be of so general benefit to her Provinces in North America,—have unanimously agreed and resolved to raise and furnish three hundred men (being all that can be spared under the difficulties aforementioned,) for the said expedition, with all convenient speed.

Be it therefore enacted by the Governour, Council and Rep-
[115] *resentatives, now || in General Court assembled, and it is enacted and ordained by the authority of the same*, That there be forthwith raised the number of three hundred men, within this Colony, (including officers,) for the said expedition, by proclamation made by the Hon^bl the Governour, for persons to inlist themselves volunteers in the said service, upon the incouragement hereafter mentioned to be given to them, that is to say, every able bodied man who shall offer and inlist himself a volunteer in the said expedition shall have one months pay in hand, a coat to the value of thirty shillings, and a firelock to the value of forty shillings, or in case he shall bring arms fit for the service, by the judgment of the chief officer, then he shall (if he sees cause) have forty shillings instead of a firelock; also three years exemption from all impresses into any service to be done out of the limits of this Colony, and shall be under the command of such officers as this government shall appoint; and upon the reduction of Port Royal, and other the French settlements in Nova Scotia, or other determination of the said expedition, shall be allowed to return immediately.

And it is further enacted by the authority aforesaid, That press warrants shall be forthwith issued out, to impress or detach the said number of three hundred men for the said expedition, in case that number of volunteers shall not appear and inlist themselves into the service; and that all such men as

shall be so impressed shall also go under the command of officers appointed by this government, and upon the reduction of Port Royal and other the French settlements aforesaid, or other determination of the said expedition, shall also be allowed to return immediately.

And for the more speedy and effectual prosecution of the said expedition, it is further enacted by the authority aforesaid, That the Honourable the Governour and Council shall be and are hereby authorized and impowred to impress, or by agreement to procure, sailors, transport vessels, provisions, and all other goods and things whatsoever necessary for the same, and to order, direct and manage the setting forth and forwarding the same expedition, according as need requires; and also to draw out of the treasury of this Colony, by their order directed to the treasurer, so much money as shall be necessary, for paying the allowance by this act offered to volunteers who shall enter upon the said service, and for the beginning and setting forward the said expedition, which money the treasurer is hereby ordered to pay out accordingly. And this Assembly do order and appoint Richard Christophers of New London, Esq^{r}, to make and keep a fair accompt how the money which shall be so drawn out of the treasury shall be disposed of, and to lay his accompts thereof before this Assembly in October next.

An Act for the better procuring an Annual Account of the true and exact Number of Souldiers in every Military Company in this Colony; and for repealing one clause of an Act made at the General Assembly held at Newhaven, October 10th, 1706, intituled An Act for preventing the Unnecessary Expence of Time at the sessions of the General Assembly, in examining of the Lists of Estates of the several towns.

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the clerk of each military company or trainband within this Colony, shall give a true and exact account of the number of officers and souldiers contained in his list, to the major of the regiment to which he belongs, under his hand and test as clerk, sometime in the month of September annually, and at [116] all other times when it shall be required || of him by his said major, upon the penalty of forfeiting and paying a fine of twenty shillings money for every neglect, to the use of the regiment of the county wherein he lives, to be levyed by distress and sale of the offenders goods, by warrant issued forth by the said major, and directed to the constable of the town where the offender lives. And the major of each regiment of

militia within this Colony shall annually lay before this Assembly in the month of October, the said accounts of the several clerks brought in to him in pursuance of this act.

And it is further enacted by the authority aforesaid, That that clause in the aforerecited act contained in these words, viz. [With the number of male persons in their respective towns,] be repealed, and it is accordingly repealed and made void.

This Assembly do establish and confirm Mr. Caleb Knap to be Ensign of the company or trainband in the town of Greenwich.

Upon consideration of the remoteness of the town of Waterbury in the county of Hartford from their county town and the committee of war appointed there, by reason whereof they cannot have so speedy relief upon the sudden approach of the enemy as is requisite: This Assembly do constitute and appoint John Alling, Esq^{r}, Major Samuel Eells, Jeremiah Osborn, Esq^{r}, and Capt. John Munson, or any three of them, to be a Committee of War, with full power upon the application of the inhabitants of the said town of Waterbury, and in case of danger or the approach of the enemy, to raise and send men thither, from the county of Newhaven, for their relief, by scouting or lying in garrison there, as occasion may require.

An Act in addition unto, and for repealing one clause or paragraph in the Act made and passed by the General Assembly of this Colony begun and holden at Hartford, May 11th, 1710, intituled An Act for better Regulating, and giving a more effectual Currency to the Bills of Publick Credit.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the first paragraph of the said act, which is in these words, viz. That all rates hereafter to be made pursuant to either of the said forementioned acts for the providing a fund or security for the repayment and drawing in of the said bills to the treasury of this Colony, shall be paid either in bullion at the rate of eight shillings the ounce troy, or in the bills of publick credit created as aforesaid, and in no other manner,—be repealed, and the same is hereby repealed and made void.

And it is now enacted and ordained by the authority aforesaid, That all the rates and taxes hereafter to be made and levyed for the repayment and drawing in the said bills to the treasury of this Colony again, shall be paid either in money as it shall generally pass in New England at the time of payment, or in the said bills of publick credit, and in no other manner.

This Assembly do order and appoint the Committee of War in the county of Hartford, to procure twenty bushels of wheat for the Colonys service, and cause it to be made into biskett, and carefully kept till there shall be occasion to make use of it, in that service.

Major Joseph Talcott is by this Assembly ordered and appointed to be a member of the Committee of War in the county of Hartford.

Whereas this government in some of the frontier parts thereof, and also our neighbouring county of Hampshire, is [117] often harmed and annoyed || by skulking parties of our enemy Indians and French, and the measures already taken for our defence, and harming our enemies, have proved ineffectual: This Assembly do therefore order that the Committee of War in the county of Hartford, do imploy four or five English men, and commissionate them, to lead out a party of our Indians not exceeding sixty, to scout, according to the direction and instructions of the said committee, towards the lake; and that the said committee do supply the said scout with sufficient provisions and ammunition, at the charge of this Colony, and do also supply the Indians with arms as they shall need for the service. And for the better encouragement of the said scout, there shall be paid to the English officers thereof, such wages as was allowed to the officers out on the expedition against Canada the last year; and the said scouting company shall have and receive out of the publick treasury of this Colony, for each Indian scalp of the enemy which they shall bring to the said committee, the sum of ten pounds, to be equally shared amongst them.

It is ordered and enacted by this Assembly, That Col^{o} W^{m} Whiting be commissioned by the Hon^{bl} the Governour, to be Colonel of all the forces now to be raised in this Colony, to go upon the expedition against Port Royall and Nova Scotia.

This Assembly do choose and appoint Mr. Samuel Whittlesey of Wallingford to be Chaplain of our forces upon the expedition to Port Royal; and Doctor James Laborie and Doctor Samuel Mather to be Chirurgeons for the said forces on that service; and Mr. Christopher Christophers is chosen and appointed to be Commissary for this Colony, upon the said expedition.

This Assembly do order and grant, that a present be made of the sum of fifty pounds, out of the treasury of this Colony, to the Hon^{bl} Gen^{l} Nicholson and Colonel Vetch, towards the furnishing their sea stores for the present expedition against Port Royal; and that a letter now drawn and read before this

Assembly, and in their name, be signed by the Secretary and sent to the said Gen^{l} Nicholson and Col^{o} Vetch.

Lieut. Jonathan Belden of Wethersfield, Lieut. William Addams of Milford, Lieut. John Clark of Stratford, Lieut. John Hall of Wallingford, Lieut. Samuel Webster of Hartford, Lieut. W^{m} Crocker of New London, Lieut. John Gardner of Stonington, Mr. Richard Miles of Newhaven, and Mr. Samuel Keelar, jun^{r}, of Norwalk, are by this Assembly chosen and appointed to serve in the office or post of Lieutenants, they or any of them, upon the present expedition against Port Royal.

Lieut. Roger Newton of Milford is chosen and appointed to the office of a Captain in the expedition against Port Royal.

Lieut. Coll^{o} Mathew Allyn is by this Assembly chosen and appointed to be Lieut. Colonel of the forces of this Colony upon the present expedition against Port Royal; and in case the said Lt. Col^{o} Allyn shall refuse the service, then Major Ebenezer Johnson is chosen and appointed to be Lieut. Colonel of the said forces in his stead.

Capt. John Burr is by this Assembly chosen and appointed to be Major of the forces of this Colony upon the present expedition to Port Royal.

[118] *It is ordered and enacted by this Assembly*, That the officers now chosen and appointed at this Court for the regiment of this Colony, upon the expedition against Port Royal and Nova Scotia, and the chaplain now to be improved for the said regiment, shall be allowed and paid for the said expedition, the same wages as was allowed to such officers and chaplains, on the expedition to the Wood Creek, the last year; and that the commissary and chirurgeons now appointed for this expedition, shall be allowed and paid wages for their service, equal to captains wages.

The whole record of the several acts, grants and orders of this Assembly, as they stand entred in the pages of this book next preceding, were read in the presence of both Houses, and ordered to be signed by the Secretary as perfect and compleat.

Test. Caleb Stanly, Secretary.

August 11th, 1710, This Assembly is adjourn'd until the Governour or Deputy Governour shall see cause to call them to meet again.

CONNECTICUT COLONY.

A General Assembly holden at Newhaven, in her Majesties Colony of Connecticut, in New England, on Thursday, the 12th day of October, in the ninth year of the reign of our Sovereign Lady Anne, Queen of Great Britain, &c., Annoque Domini, 1710.*

Present at this Assembly,

The Honourable Gurdon Saltonstall, Esq^r, Governour.
The Honourable Nathan Gold, Esq^r, Deputy Governour.

Assistants,

Nathanael Stanly, Esq^r,	Richard Christophers, Esq^r,
John Hamlin, Esq^r,	Peter Burr, Esq^r,
William Pitkin, Esq^r,	John Alling, Esq^r.
Joseph Curtis, Esq^r,	John Haynes, Esq^r,
John Chester, Esq^r,	Samuell Eells, Esq^r,
Josiah Rossetter, Esq^r,	Mathew Allyn, Esq^r.

Deputies or Representatives that were present and attended at this Assembly were as hereafter followeth: that is to say,

Major Joseph Talcott, Mr. Nath. Hooker, for Hartford.
Capt. John Bassett, Mr. Samuel Bishop, for Newhaven.
Mr. John Richards, Mr. James Rogers, for New London.
Mr. James Bennett, Mr. Samuell Couch, for Fairfield.
Mr. Roger Woolcott, for Windsor.
Capt. Robert Wells, Capt. James Steele, for Wethersfield.
Capt. Thomas Hart, Mr. John Judd, for Farmington.
[119] Capt. John Hall, Mr. Edward Shepard, for Middleton.
Mr. Samuel Hale, Mr. Thomas Kimberly, for Glassenbury.
Mr. James Wells, for Haddam.
Mr. Joseph Phelps, for Simsbury.
Mr. Joshua Ripley, for Windham.
Mr. John Hopkins, Mr. Thomas Judd, for Waterbury.
Mr. Robert Chapman, for Saybrook.
Capt. Joseph Peck, Mr. Mathew Griswold, for Lyme.
Mr. James Wadsworth, for Durham.
Mr. John Russell, for Easthaven.
Mr. Manassah Minor, Mr. William Gallop, for Stonington.
Capt. Nathanael Harrison, Mr. Edward Barker, for Branford.
Mr. Solomon Tracy, for Norwich.
Mr. John Betts, for Norwalk.
Mr. Joseph Peck, for Milford.

* The Journal of neither House is known to be extant

Mr. Michael Tainter, for Colchester.
Capt. Thomas Yale, Capt. John Merriman, for Wallingford.
Capt. Abraham Fowler, Mr. Andrew Ward, for Guilford.
Capt. James Bebee, Mr. Josiah Starr, for Danbury.
Capt. John Hawley, Mr. Ephraim Stiles, for Stratford.
Capt. William Clark, Mr. William Holton, for Lebanon.
Mr. Jacob Warren, for Plainfield.
Capt. James Avery, Mr. John Morgan, for Groton.
Mr. Zachariah Baldwine, for Milford.
Mr. John Sherman, for Woodbury.
Mr. Joseph Hull, for Derby.
Capt. John Parks, Mr. Jonathan Tracy, for Preston.
Mr. Elisha Holly, for Stamford.
Mr. Samuell Buell, for Killingsworth.
Mr. John Eliot, for Windsor.

Major Joseph Talcott, Speaker, } of the House of Repre-
Mr. Roger Woolcott, Clerk, } sentatives.

The sums of the Lists of Estates of the several Towns within this Colony, and of the Souldiers contained in the Lists of the Clerks of the Companys of Militia in the said Towns, exhibited in this Assembly, are as followeth, viz:

	Estates. lls.	s.	*Souldiers.*		*Estates.* lls.	s.	*Souldiers*
Hartford,	18686	0,		Norwich,	10170	16,	
Newhaven,	17483	6,		Norwalk,	7927	3,	
New London,	10358	15,		Waterbury,	2159	0,	
Fairfield,	16355	14,		Glassenbury,	3141	0,	
Windsor,	14349	17,		Lebanon,	5671	0,	
Wethersfield,	15393	12,		Derby,	2927	0,	
Stonington,	7305	15,		Windham,	4076	6,	
Middleton,	9287	18,		Stratford,	13215	16,	
Durham,	1962	0,		Branford,	6653	7,	
Simsbury,	4191	7,		Groton,	6187	9,	
Woodbury,	4284	0,		Farmington,	7894	0,	
Milford,	12881	13,		Preston,	4117	10,	
Danbury,	3192	0,		Stamford,	8800	0,	
Plainfield,	2061	0,		Lyme,	7244	13,	
Guilford,	11645	5,		Greenwich,	5022	0,	
Killinsworth,	3622	8,		Haddam West,	2608	13,	
Saybrook,	7935	11,		Haddam East,	3216	5,	
Canterbury,	1699	0,		Wallingford,	8015	0,	
Easthaven,	2406	5,		Hebron,	0883	10,	
Colchester,	3016	12,		Added to Fairfield,	648	17,	
Added to Hartford,	193	15,		To Newhaven,	855	18,	
To Milford,	366	10,		To Branford,	65	10,	
To Middletown,	230	0,		To Simsbury,	58		
To Haddam,	50	0,		See more, further.			

[120] The gentlemen nominated by the votes of the freemen, (brought in at this Assembly,) to stand for Election in May next, are as followeth, viz:

The Honourable Gurdon Saltonstall, Esq^r, the Honourable Nathan Gold, Esq^r, Nathanael Stanly, Esq^r, John Hamlin, Esq^r, William Pitkin, Esq^r, Joseph Curtis, Esq^r, John Chester, Esq^r, Josiah Rossetter, Esq^r, Richard Christophers, Esq^r, Peter Burr, Esq^r, John Alling, Esq^r, John Haynes, Esqr, Samuell Eells, Esq^r, Mathew Allyn, Esq^r, Capt. Abraham Fowler, Major Joseph Talcott, Mr. John Hooker, Mr. John Eliot, Mr. Richard Lord, Mr. Jonathan Law.

By order of the Hon^bl the Governour, the gent. members of both Houses being met together, the Governour laid before them sundry letters and writings that he had received from and sent to Col^o Nicholson, Col^o Vetch, and the Council of War at Boston, and others relating to the expedition against Port Royall, &c., and a letter from the Commissioners of the Customs at the custom house, London, relating to Mr. Birchfield, whom they have appointed Surveyor Generall of the Customs, &c., and letters from our Agent Sir Henry Ashhurst, since the session of this Assembly in May last, and recommended the consideration of the several matters contained in them to this Assembly.

This Assembly do establish and confirm Mr. Nathanael Hooker to be Lieutenant, and Mr. Robert Sandford to be Ensign, of the company or trainband on the north side of the little river in the town of Hartford.

This Assembly do establish and confirm Mr. Samuell Couch to be Captain, Mr. John Osborn to be Lieutenant, and Mr. Benjamin Rumsey to be Ensign, of the west company, or trainband, in the town of Fairfield.

This Assembly do establish and confirm Mr. Joseph Bishop to be Captain, and Mr. John Knap to be Lieutenant, of the company or trainband in Stamford.

This Assembly do establish and confirm Mr. John Russell to be Captain, Mr. Daniel Barns to be Lieutenant, and Mr. Allyn Ball to be Ensign, of the company or trainband in the village of Easthaven.

This Assembly do establish and confirm Mr. Ebenezer Sabin to be Ensign of the company or trainband in the village of Massamuggett.

The petition of Joseph Johnson, now or late of Plainfield, which was presented to this Assembly in May last by Major James Fitch his attorney, and then referred to this session for

a hearing and consideration, was now read before this Assembly; and the said Joseph Johnson and Major James Fitch were both of them now called to appear before this Assembly to prosecute the said petition, and made default of their appearance; and Major Wait Winthrop of Boston, and the executors of the last will and testament of the late Hon^{bl} John Winthrop, Esq^{r}, of New London, deceased, were now called to appear before this Assembly, to answer to the said petition; and the said Wait Winthrop appeared accordingly, and pray'd that the said Johnson or Fitch may be adjudged to pay him the costs of his attendance upon the said petition: Upon consideration whereof, this Court do adjudge the said Joseph Johnson to pay to the said Wait Winthrop the sum of two pounds and eight shillings, currant money, for his said costs, and that execution be granted for the same. Upon further consideration, there is no costs allowed to the said Wait Winthrop.

This Court, having considered the petition of Nathanael Johnson of Branford, administrator on the estate of Mr. William Hoadly, late of Branford, deceased, presented to this Court, praying for liberty to be granted him, to enter another plea, or joyn issue anew, upon an action depending by review, at the county court to be held at Newhaven on the second Tuesday in November next, between the said petitioner and Joseph Tuttle of Newhaven,—do order, that the said petitioner shall have liberty to enter another plea and joyn issue anew, upon the said action, at the said county court in November next accordingly; and that the said petitioner shall pay to the said Tuttle his cost of attendance at this Assembly, which is allowed to be thirteen shillings and two pence, currant money, [121] and that || execution shall be granted for the same.

Upon consideration of the petition of John Amos of Preston, presented to this Assembly, complaining against the inhabitants of the town of Plainfield, for altering the property of a tract of land lying within the said town of Plainfield, and belonging to the said petitioner, and praying for redress thereof, and relief to be granted him therein: This Assembly are of opinion that the relief pray'd for is proper to be demanded by a suit in the common pleas, and therefore do not see cause to grant the same here, and do order that the petitioner shall pay to the said inhabitants of Plainfield their costs of attending at this Court, upon the said petition, which is allowed to be thirty eight shillings and four pence, currant money, and that execution shall be granted for the same. *Execution was granted on this judgment, October 19th,* 1710.

This Assembly do adjudge Eleazar Brown and William Johnson, selectmen of the town of Canterbury, to pay to the selectmen of the town of Plainfield, the sum of thirty shillings and four pence currant money, for the cost of the attendance of their attorney at this Court, to answer to the petition of the said Brown and Johnson, prepared to be presented to this Assembly, which they did not prosecute; and that execution shall be granted for the same. *Execution was granted on this judgment, October 19th*, 1710.

Capt. John Clapp of the town of Rye, in the Province of New York, presented a petition to this Assembly, on the behalf of himself and partners, praying for a patent to be granted to them of a certain piece or parcel of land lying in this Colony, and within the bounds of the said town of Rye, which they had purchased (with lycense) of the native Indians: Upon consideration whereof, this Assembly do resolve that no patent shall be granted to them for the said land, forasmuch as the said land hath been formerly granted by this government to the inhabitants of the said town of Rye, and also a patent given them for the same.

Upon the petition of Mr. Joseph Budd, Mr. Samuel Purdy and several others, freeholders and inhabitants of the town of Rye, for a patent to be given them of a certain tract or parcel of land, originally belonging to their township of Rye, and lying within this Colony; which tract of land is divided from the other part of that town by the dividend line between this Colony and the Province of New York lately established, whereby the greatest part of the said town is annexed to the said Province: This Court considering that the town of Rye (when it formerly belonged intirely to this Colony,) had a patent granted them for the whole township, including the land which they now desire a patent of, are of opinion that the patent so formerly granted to them, is sufficient to give them a title to the said land from this Colony, and therefore at present decline granting them any other.

Forasmuch as Stephen Sherwood of Rye, in the Province of New York, at a General Assembly held at Hartford, May 12th, 1709, obtained a grant for a patent of a certain tract of land lying within this Colony, which he said he had purchased of the said town of Rye, the making and executing of which patent hath for some time been suspended, at the motion of several of the inhabitants of the said town of Rye, till they might lay their reasons against it before this Assembly; which being now done, and the said Sherwood also further heard thereon: Upon the whole, it appears to this Court, that the said tract of

[122] land was formerly granted by this Assembly || as a part of the township of Rye; and it not appearing that the said Sherwood has purchased the same of the said town of Rye, this Assembly do now repeal and revoke the aforementioned grant or order for a patent to be granted to him for the said tract of land.

This Assembly, upon consideration of the petition of Peter Tylar of Branford, presented to this Court, relating to a piece of land lately recovered from him by Mr. Richard Wilford of Branford, by judgment of the court of assistants, and of the pleas and allegations of both the said parties, do determine that the said petition shall be no further heard, and that the said Richard Wilford shall recover his cost of answering to the said petition, which is allowed to be twenty three shillings and six pence currant money, and that execution be granted for the same. *Execution was granted October 19th*, 1710.

Capt. Nathanael Harrison of Branford is by this Assembly chosen and appointed to be one of her Majesties Justices of the Peace in the county of Newhaven.

Ebenezer Seamore of Farmingtown, petitioned to this Assembly to release him from the gaol at Hartford, where he now is by sentence of the law, for counterfeiting the bills of credit of this Colony, and also to abate his fine or part thereof, set on him for the same, by the court of assistants: Upon consideration whereof, and of the whole case, this Assembly do resolve not to grant to the said Seamore either of the matters petitioned for by him.

David Ensigne, John Watson, Samuel Sedgwick, and others, inhabitants of the town of Hartford, dwelling on the westermost furlong or range of lots in that town, commonly called the West Division, presented a petition to this Assembly, praying for liberty to be granted to them to call and settle a minister of the gospel, to carry on the publick worship of God amongst them, for several reasons alledged by them: Upon consideration whereof, this Assembly do order and appoint Lieut. Col^{o} Mathew Allyn, Esq^{r}, Mr. John Moore, sen^{r}, and Mr. Return Strong of Windsor, or any two of them, to be a committee to treat with the inhabitants of the town of Hartford upon the matters of the said petition, and endeavour to bring them to a willingness and consent thereunto, and also to consider the reasonableness of the said petition and ability of the said petitioners to maintain a minister amongst them, and to make their report thereof to this Assembly in May next, at the cost and charge of the said petitioners.

Upon consideration of the petition of Jonathan Hill and John Arnold of New London, attorneys for Charles Hill of said New London, presented to this Assembly, praying that an action of trespass entred and heard at the county court held at New London, June 6th, 1710, wherein the said Charles and Jonathan Hill were plaintiffs, contra Capt. Thomas Avery and Samuel Avery of New London, defendants, and which was committed to the jury, who (by reason that one of them was taken sick,) never gave any verdict thereon, may be revived and ordered to proceed to a hearing and tryal at the next county court to be holden at New London, where the same is entred as aforesaid: This Assembly do order and enact, that the said action is and shall be revived, heard and tryed at the county court to be holden at New London on the first Tuesday of June next; provided the said plaintiffs, by the sheriff of the said county or his deputy, do give or tender an attested copie of this act to the said defendants, fourteen days before the said first Tuesday of June next; and this Assembly do not see cause to allow any costs upon this petition.

This Assembly grants liberty and full power to John Mills of Stamford, administrator on the estate of William Mills, late of Stamford, deceased, to sell either part or all the real estate, viz. housing and lands of the said deceased, as need shall require, to procure money wherewith to pay the debts due from the said estate, according to the direction of the court of pro- [123] bate in the county of Fairfield, and || also to make and execute the necessary deeds or conveyances of the same.

Whereas John Judd late of Farmington, drummer, deceased, a little time before his death, bargained with Mathew Woodruff of Farmington, for a certain piece of land for the sum of ten pounds, and paid three pounds thereof to the said Woodruff then upon the said bargain immediately, and agreed with him for the payment of the remainder, but dyed before he received any deed or conveyance of the said land from the said Woodruff: And whereas Rachell Judd of said Farmington, widow, relict of the said deceased, and administratrix on his estate, and also the said Woodruff, are minded and willing to abide by the said bargain: This Assembly do therefore order, appoint and impower, the said Rachell Judd, administratrix aforesaid, to take and receive a deed or conveyance of the said piece of land from the said Mathew Woodruff unto the children of the said deceased, and to pay to said Woodruff the remaining seven pounds due to him for the purchase of the said land, out of the moveable estate left by the said deceased.

Upon consideration of the petition of the inhabitants of the town of Kellingley, and for the promoting and enabling them to procure and settle a minister of the gospel amongst them:

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That it is and shall be lawfull, and in the power of the said inhabitants of Killingley, to levy a tax or rate, on the owners and proprietors of all lands divided and laid out in their said town, of fifteen shillings, currant money, upon every hundred acres thereof, to be paid to the selectmen of the said town of Killingley, within the term of one year next ensuing, for and towards the building of a meeting house and ministers house there. And in case that any owner or proprietor of land divided and laid out within the said town of Kellingley, upon notice and warning given by the said selectmen, or one of them, shall refuse or neglect to pay such rate or tax to be levyed as aforesaid, that then it shall be lawfull for the said selectmen, or the major part of them, to levy the same with their necessary costs, on the said land of such owner or proprietor who shall so neglect or refuse to pay, by warrant from any one assistant or justice of the peace within the county of New London, who is hereby required to grant the same.

Whereas Samuell Morehouse, jun^{r}, of Stratfield, being entred into her Majesties service on the expedition against Port Royall, in the month of August last, and imbarqued at the town of Newhaven under command of Major John Burr, and under the pay of this Colony, by an accident in firing a gun lost his right hand, and is thereby much disabled for labour whereby to get a living; and the said Samuell Morehouse hath petitioned to this Assembly for a yearly pension to be allowed him out of the treasury of this Colony, for his necessary support during the term of his life:—Upon consideration whereof, this Assembly do determine and order, that the treasurer shall pay to the said Samuell Morehouse the sum of ten pounds in bills of credit; and that if hereafter an annual pension shall by this Assembly be settled on him, the said ten pounds shall be reckoned towards payment thereof.

This Assembly taking into consideration an act passed in the General Court held at Hartford, May 8th, 1707, granting several priviledges to the village called (in the said act) East-
[124] haven, do declare upon the same, that there is || nothing contained in the said act that concerns property of lands, or that excludes the said village from being within the town-

ship of Newhaven, nor that intends to give the said village liberty of choosing deputies distinct from the town of Newhaven.

This Assembly doth grant and allow to Capt. David Goodrich of Wethersfield, for his care and service as quartermaster of the regiment of this Colony at the Wood Creek the last year, the sum of six pounds, money, besides the wages that hath already been allowed him as adjutant of the said regiment.

This Assembly grants liberty and full power to Mary Parker of Saybrook, widow, relict of John Parker, late of Saybrook, deceased, and administratrix on his estate, to sell so much of the lands belonging to the said estate, as may produce money sufficient (with the moveables that can be spared) to pay the debts due from the said estate, by and with the direction and allowance of the court of probate in the county of New London; and also to make and execute the necessary deeds and conveyances of the same.

Upon consideration of the great affliction and trouble of Abraham Dowlittell of Wallingford, in the weakness and infirmity of his children: This Assembly do release and exempt him, the said Dowlittell, from paying any country rates for the future.

Upon consideration of the petition of the inhabitants of the town of Hartford dwelling on the east side of Connecticut River, presented to this Assembly, praying that the money arising by law upon their own proper estates in the list, for the support of a school, viz., forty shillings upon every thousand pounds in the list, and at that rate, may be at all times for the future by them improved and imployed for and towards the hiring of a schoolmaster amongst themselves for teaching their children to read and write: This Assembly do allow and grant that the said money so arising shall by the said inhabitants be so improved accordingly, and do order that the treasurer do direct and order the same to them accordingly.

Mr. Atherton Mather of Windsor, presented a petition to this Assembly, praying for a liberty to be granted to him of a fishing trade in Connecticut River, and that an order of this Assembly may be made to forbid and prohibit all other persons using the said fishing trade in such manner as he said Mather shall use the same, for the term of four years next ensuing:—Upon consideration whereof, this Assembly grants liberty to the said Atherton Mather, to use the trade of fish-

ing and taking or catching of fish in the said river accordingly, and do hereby forbid and prohibit all and every other person and persons whatsoever of using the said trade of taking of fish in said river, in such manner as he, said Mather, shall use the same, for the said term of four years next ensuing; provided always, that the said Atherton Mather shall not make and set up any ware or sayne across the said river from one shoar to the other, nor any ways obstruct or hinder the passing of any vessels, boats, or rafts, up and down within the same; and provided also, that this act shall not be construed to hinder, forbid, or prohibit any person or persons whatsoever, of taking of fish in the said river, in any such way and manner as hath hitherto been used and accustomed.

Upon consideration of the petition of the inhabitants of the village at the southeast part of the town of Farmington, called the Great Swamp, and for the promoting and enabling them to settle a minister of the gospel amongst them, and to build a meeting house and ministers house:

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority [125] *of the same,* ‖ That it is and shall be lawfull to and for, and in the power of the said inhabitants of the said village, to levy a tax or rate on the owners and proprietors of all lands whatsoever, divided and laid out into lots, within the bounds of the said village (although not improved) of a half penny, currant money, for each acre of the said lands in each year, for and during the term of four years next ensuing the date of this act, and to collect the same for the ends aforesaid. And in case that any owner or proprietor of lands lying within the said village, upon notice and warning given by the collector who is or shall be appointed to collect and gather the ministers rate within the said village, shall refuse or neglect to pay such rate or tax to be levyed as aforesaid, that then such tax or rate shall be levyed on the body, goods, or chattels of such owner or proprietor, by distress, according to the direction of law for gathering such rates; the distress to be made by the said collector, or by the sheriff of the county (or his deputy) wherein the owner of the said land lives, by warrant from any one assistant or justice of the peace, within the said county.

Whereas this Assembly in May last did appoint Lt. Coll° Mathew Allyn, Caleb Stanly, Capt. John Higley, Capt. Richard Bushnell, and Mr. Thomas Williams, or any three of them, to be a committee, to survey and lay out a tract of land of the extent or quantity of eight mile square, or equivalent there-

unto, for a town, adjoyning to the town of Woodstock on the east thereof, and to the towns of Windham and Mansfield on the south thereof, and to Christall Pond; and to survey and lay out home lots and other divisions of land therein, and to receive and admit inhabitants thereon, and to manage the affairs of the said town, according as need shall require:—Now for the better enabling the said committee the more easily to do and perform that work, this Assembly doth give and grant unto them, or any three of them as aforesaid, full power as they shall see good, to order and appoint any one of themselves, or any surveyor of lands, to survey and lay out home lots, or other divisions of land in the said town, for such persons as shall by them be admitted inhabitants there; and also to order and appoint any one of themselves to be a clerk or register for the said town, for the term of four years next ensuing, who shall provide a book for records, and therein enter and record all such divisions and surveys of lands which they shall make, or cause to be made, within the said town as aforesaid; also to administer to such clerk by them to be appointed, the town clerks oath provided by law. And this Assembly do order and enact, that the said town shall be called and known by the name of Ashford, and that the cost and charge of the said work shall be born and paid by such persons as the said committee shall receive and admit to be inhabitants within the said town.

Capt. Thomas Hart and Lieut. John Stanly of Farmington, presented to this Assembly a petition, on the behalf of the inhabitants of that town, setting forth, that a certain line drawn and run by the surveyor of the county of Hartford, (by the order of the General Assembly of this Colony, setting at Newhaven, October 14th, 1708,) for a bound line between the said town of Farmington and the town of Wethersfield, doth not comport with the original grants of them towns, but taketh away much land from Farmington and giveth it to Wethers- [126] field, to the very great || damage of the said town of Farmington; and praying this Assembly to set out and settle the eastern line or bounds of their said town of Farmington (where the same adjoyns to the said town of Wethersfield,) according to their original grants, by a committee of meet and indifferent persons:—Upon consideration whereof, this Assembly do not see cause to grant to the said petitioners the matter petitioned for, but do adjudge them to pay to the selectmen of Wethersfield their cost of attendance upon the said petition, which is allowed to be twenty eight shillings and eleven pence, currant money, and that execution be granted for the same.

This Assembly do grant a freedom to Hannah Scott of Waterbury, wife of Jonathan Scott of said Waterbury, now in captivity at Canada, from paying any rates or taxes to the Colony, for this present year 1710.

This Assembly do choose and appoint Capt. Hezekiah Wyllys of the town of Hartford, to be a surveyor of lands in and for the county of Hartford.

This Assembly grants liberty and full power to each of the two societies within the town of Greenwich, viz., the society at the Old Town, and the society at Horse Neck, to choose a recorder for and amongst themselves, to enter and record in a book all the votes, agreements, grants, and orders made by them respectively, concerning the settlement, support, and maintenance of their respective ministers; and also (by a major vote) to grant such additions to the salary of their ministers respectively, as they shall think meet.

This Assembly, being informed that there is a tract of land within this Colony lying and bounded as follows, viz: Westerly with the Province of New York, easterly with Stratford Ferry River, southerly partly with the town granted and called New Milford, and partly with land granted to several gentlemen of Fairfield, and northerly with the said river and the land of this Colony, which may be likely whereon to settle a town,—do therefore grant and allow that a town be settled and planted there, of the extent and bigness of eight miles square, or equivalent thereunto, (if such a quantity of land may be had there, without prejudice to any former grant of this Assembly,) and not exceeding twelve miles in length. And this Assembly do order, appoint, and impower the Hon^{bl} Nathan Gold, Esq^{r}, John Chester, Esq^{r}, John Alling, Esq^{r}, Major Joseph Talcott, and Mr. John Read, or any three of them, a committee to survey and lay out a town in the place and of the quantity aforesaid, and bounded as aforesaid; and to make a report of what they shall do therein, to this Assembly in October, Anno Dom. 1711; and also to lay out home lots and divisions of land, and to order and manage the affairs of the said town, and to admit and settle inhabitants thereon, of good people as shall by them be well approved. And it is ordered and enacted by this Assembly, that it is and shall be lawfull for the said committee, or three of them, to demand, take, and receive of such persons as they shall admit to settle and dwell in the said town, double the value of the cost which they shall be at, in satisfying any Indian or Indians for releases or quit-claims to the said land, and also the full cost and charge of surveying and laying out the same.

This Assembly doth desire and impower the Hon^bl the Governour and Council, if need shall require, to procure and get what provisions shall be necessary for the subsistence of the regiment of this Colony, now on the expedition against Port Royall, &c., in their return home, in the cheapest and most easy way and manner, by their discretion, either in this Colony or at Boston, and to transport the same to them.

[127] This Assembly do desire and request the Hon^bl the Governour to assist the gentlemen of the committee already appointed, to revise and prepare the manuscript laws for the press, and to help them in that service, that the same may be ready for the view of the Assembly in May next.

This Assembly doth grant to Mr. John Read, two hundred acres of land for a farm, within the tract of land now by this Court ordered to be laid out for a town adjoyning to the Province of New York, by a committee appointed, whereof the said John Read is one, to be laid out to him there, by any two of the other four of the said committee; the said two hundred acres of land to be to him, the said Read, and to his heirs forever.

This Assembly, having heard and considered the petition or request of the selectmen of the town of Wethersfield, presented to this Court on the behalf of the inhabitants of that town, referring to the judgment of the court of assistants holden at Newhaven, in this present month of October, given upon an action there depending between them and Mr. Nathanael Hooker of Hartford, do order and enact, that no execution shall be issued forth upon the said judgment, until after the setting of the General Assembly to be holden at Hartford in May next.

It is ordered and enacted by this Assembly, That there shall be allowed and paid to all private centincls now gone upon the expedition against Port Royall and Nova Scotia, the sum of seven shillings per week, or one shilling per day, as money, for their wages.

Major James Fitch of Canterbury, on the behalf of that town, moved to this Assembly for an order to be made for surveying and settling the line or boundary between the said town of Canterbury, and the town of Windham, according (as by their grants and records) it ought to be settled, and for a committee to be appointed to do the same:—Upon consideration whereof, this Assembly do determine to consider the said motion of the said Major Fitch, at the General Assembly in May next; provided the said Fitch shall deliver, or cause to be delivered, a copy of this order to the selectmen of the

said town of Windham, or one of them, (to give them notice thereof,) at least fourteen days before the session of the said Assembly in May next.

An Act for emitting Bills of Credit, for paying the Publick Debts of this Colony.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there be forthwith emitted a certain number of bills of credit on this Colony, in suitable sums from two shillings to five pounds, which in the whole shall amount to the sum of five thousand pounds, and no more; which bills shall be printed, indented, and stamped, in the same manner and form, and of the same tenor and date, and signed by the same committee, under oath, in like manner as the bills of credit were, which were emitted by the act of the General Court or Assembly, held at Newhaven, June 8th, 1709. And the said committee are hereby impowred to deliver the said bills to the value of five thousand pounds, and no more, as aforesaid, to the treasurer of this Colony, taking his receipt for them.

And it is further enacted by the authority aforesaid, That the said treasurer be, and is hereby ordered and impowred to issue forth and emit the said bills towards payment of the [128] publick debts of the Colony, according to || such orders as shall from time to time be given him according to law. And the said bills shall pass out of the treasury at the value expressed in the same, equivalent to money, and shall be taken and accepted in all publick payments, at the advance of twelve pence on the pound more.

And be it further enacted and declared by the authority aforesaid, That as a fund and security for the repayment and drawing in the said bills to the treasury again, this Assembly grants a tax or rate of five thousand two hundred and fifty pounds, to be levyed on polls, and all the ratable estate within this Colony, and to be paid into the treasury at or before the last day of August, which shall be in the year 1718; which said rate shall be paid in the bills of credit of this Colony, or in money as it passeth generally current in the country, at the time of payment, and in no other manner.

Resolved and ordered, That the Speaker of the Lower House, for the time being, and the committee for signing the bills of publick credit, or the major part of them, shall take and receive of the treasurer of this Colony, (who is hereby required to give and deliver the same accordingly,) all those bills of credit which have been brought into the treasury for paying the tax or rate

made by the General Assembly of this Colony, held at Newhaven, June 8th, 1709, and give the said treasurer a receipt of them under their hands ; which receipt shall be a sufficient discharge to the said treasurer, for so much of the said rate, and be accepted as such by the auditors. And the said Speaker and committee aforesaid, or the major part of them, shall forthwith deliver unto the said treasurer, of the said bills so received by them, to the value of five thousand pounds, (if so many shall be found fit to be emitted,) pursuant to an act made by this Assembly at this session, for the emitting of bills to the value aforesaid, taking the treasurers receipt for the same. And if after the said five thousand pounds so put into the treasurers hand, there be any bills (so received by them as aforesaid,) remaining in their hands, they, the said Speaker and committee aforesaid, or the major part of them, shall cause them to be burned and utterly destroyed, and shall render a true account of the value of the bills which they shall so receive of the treasurer, and of the same bills which they shall so put into his hands again, and also of the bills which they shall so burn or destroy, under their hands, or the hands of the major part of them, to the auditors of the Colonys accompts, at their next meeting, that the whole proceeding therein may be laid before this Assembly.

An Act for the more easy Payment of the several Rates to be made, according to the present establishment.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the constables chosen and appointed in this present year, or that may be chosen and appointed for ensuing years, for the collecting and gathering of all country rates, shall not distrain from any person or persons, the respective sum or sums, or any part thereof, which they are assessed in the rates such constables are to gather, before the first day of July, [129] which shall be in the said years || respectively. And all such constables are hereby obliged, upon the penalty already provided by law, for not making up their accompts with the treasurer, to make payment of the rates to be so collected by them to the treasurer, before the last day of August which shall be in each year respectively ; any other law, usage or custom to the contrary notwithstanding.

Mr. Samuell Couch of Fairfield, on the behalf of himself, and the rest of the inhabitants of the western farms within the said town of Fairfield, now moved to this Assembly that they may have liberty granted to them, to provide and settle an orthodox minister of the gospel amongst them, and be

freed from paying towards the maintenance of the minister of the said town of Fairfield:—Upon consideration whereof, this Assembly do resolve and determine, that the liberty and freedom prayed for, shall be granted to the said western farmers, at this Assembly in May next, if the inhabitants of the said town of Fairfield, (being notified of this resolve at least fourteen days before that session,) shall not then shew sufficient reason that the same ought not to be granted.

This Assembly grants to Major Joseph Talcott, Speaker of the Lower House, at this session, twenty five shillings, as money, for his service therein.

This Assembly grants to Mr. Roger Wolcott, Clerk of the Lower House, at this session, twenty shillings, as money, for his service therein.

This Assembly grants to John Johnson and Isaac Dickerman, constables of Newhaven, for their attendance at this Assembly and the court of assistants holden in this month, each of them two shillings and four pence per day, as money, they bearing their own charges.

This Assembly grants to the Hon^{bl} the Governour, the sum of one hundred and fifty pounds, as money, for his salary for this present year 1710, viz., from May, 1710, to May, 1711.

This Assembly grants to the Hon^{bl} the Deputy Governour, the sum of fifty pounds, as money, for his salary for this present year 1710, viz., from May, 1710, to May, 1711.

This Assembly grants to Capt. Joseph Whiting, Treasurer of this Colony, the sum of thirty five pounds, as money, for his salary for this present year, viz., from the month of May, 1710, to May, 1711.

This Assembly, considering that the liberty and priviledge of our several ports is of the greatest consequence to promote the trade and publick weal of this Colony, do therefore desire the Hon^{bl} the Governour and Council, to use their utmost endeavours to defend the rights, powers, and priviledges of this government, in and concerning our said several ports, against all and every person and persons that shall impose upon this Colony therein.

It is ordered and enacted by this Assembly, That the Hon^{bl} Nathan Gold, Esq^{r}, Joseph Curtis, Esq^{r}, and Peter Burr, Esq^{r}, shall be commissioned, (any two of them to be a quorum,) with full power, under the seal of this corporation, to apply themselves to his Excellency Coll^{o} Robert Hunter, Governour and Commander in Chief in and over her Majesties Province of New York, &c., and in behalf of this corporation, to pray

his Excellency to joyn with said commissioners, such and so many gentlemen as his Excellency shall think fit, with full power in behalf of the said Province of New York, to run the dividing line between the said Province and this Colony of Connecticut, according to the establishment thereof made by his late Majestie King William the third, of happy memory, in Council, the 28th day of March, Anno Dom., 1700, in the twelfth year of his said Majesties reign; and monuments and bound marks upon the said dividing line to erect and make, [130] such and so frequent || as the commissioners on both parties shall think necessary, for the perpetual limitation and bounding of the said Province and this Colony, in their common dividing line; as also interchangably with the commissioners of this corporation, to seal an agreement in behalf of said Province, to the line so to be run and marked out, as is above expressed; also taking with them a surveyor, and such other help as the Hon^bl the Governour shall think fit, to joyn with the commissioners of the said Province of New York to be appointed as aforesaid; and in behalf of this corporation with them to run and mark out the line abovementioned, and interchangably with the commissioners of the said Province, to seal the agreement abovementioned to be preserved in perpetuam rei memoriam, and prevent all such disputes and inconveniences as otherwise might haply arise.

It is ordered and enacted by this Assembly, That the Council to assist the Governour, or in his absence the Deputy Governour, in the intervals of this Assembly, shall consist of two of the assistants at the least, and two able, judicious freemen, such as the Governour, or in his absence the Deputy Governour, shall call to Council; who shall have power in the intervals of the General Assembly, to manage the affairs of this Colony according to charter, but not to raise men to send out of the Colony, unless it be in case of exigency, nor to raise money. And this Assembly do order and enact, that Daniell Wetherell, Esq^r, shall be admitted to set and assist in Council, in the room and stead of an assistant, as often as the Governour shall call him to set in Council.

This Assembly doth desire the Hon^bl the Governour, by writing or otherwise, as he shall have opportunity, to inquire into, and look after any profitable interest that shall or may accrue to this Colony, by the conquest of Port Royall; provided this Colony be put to no charge about it. And if his Honour shall expend any money on this occasion, he shall be rewarded out of the same (to his satisfaction) when it shall be gained or gotten.

This Assembly grants to Caleb Stanly, Secretary, the sum of five pounds, as money, for his service as secretary this year.

Joseph Kerby of Middletown, was now again heard upon his petition relating to an action lately depending between Daniell Clark and John Sage of Middletown, at the court of assistants at Hartford, in May last, which petition was first presented to this Assembly in May last past, and ordered to be again heard at this time. And the said John Sage, and John Andrews of said Middletown, was also now heard in their pleas against the said petition:—Upon consideration whereof, this Assembly do not see cause to grant anything to the said Kerby thereon, and do adjudge him to pay to the said John Sage and John Andrews their cost of attendance at this Assembly, viz., to the said John Sage thirty six shillings and four pence, and to the said John Andrews twenty five shillings and six pence, currant money, and that execution shall be granted for the same. *Execution granted September* 14*th*, 1711.

An Act for stating the Price of Grain and Provisions for the year ensuing, for paying Ministers Rates, Town and School Rates, where there is no particular agreement to the contrary.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all such rates shall be paid, in grain and provisions as followeth, that is to say, wheat at six shillings [131] per bushel, rye at three shillings and six pence per ‖ bushel, Indian corn at two shillings and six pence per bushel, all to be good and merchantable; pork at three pounds fifteen shillings per barrel, beef at two pounds five shilling per barrel, to be good and merchantable, and well repackt, with the packers mark thereon; no person to pay more then one third of his rate in Indian corn.

And it is further enacted by the authority aforesaid, That the act made May 13th, 1708, concerning the gathering of ministers rates with the country rates, entituled An Act for ensuring payment of Ministers Salaries or maintenance, be repealed, and it is hereby repealed and made void.

An Act for the Continuing of an Act made and passed at the session of the General Assembly of this Colony, begun and holden at Newhaven, October 13th, 1709, entituled An Act for passing and regulating the Publick Accounts of this Colony, and Payment of Money out of the Treasury, and

for ascertaining the Allowance for Billetting of Officers and Souldiers, for the Service of Horses, and pasturing them, and for Horses and other things Lost in the Colonys service in the year 1710, and requiring Justices of the Peace to take care of all goods and things returned, that were taken into the said service.

It is enacted and declared by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the above said act, entituled An Act for passing and regulating the Publick Accompts of this Colony, and payment of money out of the treasury, and all and singular the paragraphs, articles, clauses, powers, penalties, matters, and things contained in the said act be, and hereby are revived and further continued in force, and accordingly to be practiced, exercised, and put in execution, until the first day of November, Anno Dom. 1711, any proviso or limitation in the said act notwithstanding.

And it is further enacted by the authority aforesaid, That there shall be allowed and paid to the committee appointed in the said act, to examine and pass the said accompts, out of the publick treasury of this Colony, for their time and expences in that service, the sum of five shillings per day, as money, except those that dwell in Hartford, who shall have but four shillings per day. And that they be again sworn as the said act requires. And that the commissary, Mr. Christopher Christophers, shall make up his accompts with the said committee, as Mr. Commissary Whiting did in the year 1709. And the clause in the said act respecting the said Whiting, is hereby repealed.

And it is further enacted by the authority aforesaid, That there shall be allowed and paid out of the publick treasury of this Colony, for billetting of officers and souldiers, for the service of horses and pasturing them, and for horses and other things lost in the Colonys service in this year 1710, the same sums and allowance of money, and to be adjudged and determined in the same manner as was allowed and ordered for the year 1709, and no more. And that all her Majesties justices of the peace, and military commission officers in this Colony, shall take the same care, and make the same dispose of all such goods and things that have been or shall be taken into, and which shall be returned from the Colonys service in this said year 1710, and also be accountable for the same, as they were obliged to do for the said year 1709, by act of this Assembly made in October last.

[132] The whole record of the several acts, grants, and orders of this Assembly, as they stand entred in the pages of this book next preceding, were read in the presence of both Houses, and ordered to be signed by the Secretary as perfect and compleat.

Test. CALEB STANLY, Secretary.

October 27th, 1710. This Assembly was adjourn'd until the Governour or Deputy Governour shall see cause to call them to meet again.

There was added to the lists of the estate of several towns, which were exhibited at this session, as followeth, that is to say,—

	l.	*s.*	*d.*		*l.*	*s.*	*d.*
To Waterbury,	20	0	0	To Wallingford,	318	0	0
To Windsor,	258	10	0	To Norwalk,	090	0	0
To Norwich,	273	7	6	To Killinsworth,	163	0	0

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN HARTFORD, OCTOBER 30TH, ANNO DOM. 1710.

Present,

The Hon^{ble} Gurdon Saltonstall, Esq^{r}, Governour.

Nathaniel Stanly, Esq^{r}, John Chester, Esq^{r}, } *Assistants.*
William Pitkin, Esq^{r}, John Haines, Esq^{r}. }

Ordered and resolved, that the treasurer do pay to Mr. Robert Livingston of Albany, the sum of fifteen pounds and fourteen shillings, and to Coll. John Schyler of Albany, the sum of five pounds and fifteen shillings, and to Mr. Abeel of Albany, the sum of three pounds and two shillings, all as money, for interest due to them respectively, for money owing to them from this Colony, which should have been paid them in January and April last past. Also to pay to Mr. Joseph Whiting of Newhaven the sum of twenty and six shillings, as money, for his trouble of conveying the said money to them.

The Council present desire the Hon^{ble} the Gov^{r} to take and receive of Jeremiah Dummer of Boston, Esq^{r}, the Colonys money now in his hands, and therewith to pay the debts due from this Colony to him said Dummer, and to Andrew Belcher, Esq^{r}, and also interest to the said Dummer if he demands it.

Ordered, that the treasurer do remit to Mr. Rich^{d} Christophers at New London, the sum of one hundred and fifty pounds in bills of credit, to be ready there for him and the commissary to pay off the sailors who have been on the expedition against Port Royall, their wages, as speedily as may be, and that the said Mr. Christophers and the commissary for the said expedition, do therewith pay the same.

At a meeting of the Council in New London, November 3d, 1710.

Present,

The Honourable the Governour.
Daniel Wetherell, Esq[r].
William Pitkin,
Richard Christophers,
John Haynes,
} Esq[rs], *Assistants.*

Whereas Major John Burr hath laid before this board an account of money expended by him for the support of himself and 28 of his company in their travel from Plymouth to Stoningtown, amounting to four pound ten shillings and two pence,

Ordered, that Rich[d] Christophers, Esq[r], pay unto the said Major Burr the aforesaid sum out of the bills of credit in his hands belonging to the Colony, and that he also deliver the said Major Burr out of said bills the sum of four pound more, for the defraying the further charge of himself and his men to their several dwellings.

At a meeting of the Council in New London, November 7th, 1710.

Present,

The Honourable the Governour.
Daniel Wetherell, Esq[r].
Rich[d] Christophers, Esq[r], *Assistant.*
Mr. Jonathan Prentts,
Mr. John Plumbe,
} *Justices.*

Ordered, that Rich[d] Christophers, Esq[r], pay unto Capt. John Prentts, out of the bills of credit in his hand belonging to the Colony, the sum of one pound eighteen shillings and ten pence, for the entertainment of Major Burr and his company.

1710, November 8th. At a meeting of the same Council.

Ordered, that twelve pence a day be allowed to the several soldiers belonging to our troops, for each days travel from hence home to their abodes, and to travel twenty miles a day pro rata, and that they be paid here what money they can shew they have expended of their own in their travel to this place, from the place where they were landed, and that these disbursements be made by Rich[d] Christophers, Esq[r], out of the countrys money in his hands.

Ordered, that a person be forthwith sent to Boston, with directions to take advice of Capt. Belcher and such others as he shall see meet,

about the ship Mary Galley, one of the transports taken up by this government for the expedition against Nova Scotia, cast away at Race Point, and according to the advice he shall receive, to take the most proper measures for the preservation and saving what can be saved of the ship and Colony stores on board.

Ordered, that Mr. Richard Christophers, jun., attend the service above mentioned, and that Richard Christophers, Esq^{r}, do deliver him 20*l.* of the Colony money in his hands for that service; he to give an account of the expending it in this service.

Ordered, that Mr. Richard Christophers, appointed as above to take care of the ship Mary Galley, as occasion may be, do receive of the Governour the receipt from Jeremiah Dummer, Esq^{r}, of 213*l.* in bills of this Colony, which belongs to the treasury, (and which the Governour received of the treasurer,) and that he pay to Mr. Dummer the balance of his account, which is 110*l.* 18*s.* 3*d.* out of the said bills, together with the interest from January 4th, 1709, if Mr. Dummer demands it, and receive the remainder of the said sum of 213*l.*, and thereupon deliver the said Dummer his receipt.

With the residue of which money, viz. 96*l.* 11*s.* 9*d.* and 48*l.* 17*s.* delivered him by the Governour; with 21*l.* 3*s.* 3*d.* now and hereby ordered to be delivered him by Rich^{d} Christophers, Esq^{r}, out of the Colonies money in his hands, all which amounts to 166*l.* 12*s.*, he shall pay to Capt. Sewall, and take up a bill of exchange payable to said Sewall, drawn upon this Colony, per S^{r} Henry Ashhurst, for 147*l.* New England money at 17*d.* weight, which at 2*s.* 8*d.* per *l.* advance comes to 166*l.* 12*s.*

Ordered, that the transports now in this harbour of New London, under the command of Capt. Dotee and Burroughs, do deliver to the commissary, Mr. Christopher Christophers, what stores &c. belonging to this Colony they have on board.

At a meeting of the Council in New London, November 9th, 1710.

Present,

The Honourable Governour.
Daniel Wetherell, Esq^{r}.
Richard Christophers, Esq^{r}, *Assistant.*
Mr. Jonathan Prentts, } *Justices.*
Mr. John Plumbe, }

Ordered, that Richard Christophers, Esq^{r}, pay out of the Colonys bills of credit in his hands unto Mr. Mark Haskell, pilot of the Six Friends, one of our transports in the expedition against Port Royall, after the rate of 3*l.* 17*s.* 6*d.* per month, reckoning 28 days to the month, and to allow him to be in pay till the 14th instant, by which time he may get home to Marblehead. The time he entred in pay was the 7th of September, and had 40*s.* in part of his wages before

he went out; also to pay him out of said bills of credit thirty shillings to hire a horse withal and bear his expences home.

At a meeting of the Council in New London, November 10th, 1710.

Present, The Honourable Governour and the other members entred yesterday.

Ordered, that Richard Christophers, Esq^{r}, pay out of the bills of credit in his hands belonging to the Colony, unto Mr. Thomas Walters, pilot of the briganteen Mary, one of our transports, the sum of fourteen pound fifteen shillings and $7\frac{1}{2}d$, which is after the rate of 3*l.* 17*s.* 6*d.* per month, from the 7th of September to the 26th of October, when the briganteen was off against Cape Ann, and eight pound for his pilotage from that place to New London, according to Col. Johnsons agreement with him. *Ordered*, that the said Christophers also pay unto Col. Johnson the sum of forty six shillings, for eight gallons rum, which he bought at sea for the soldiers on board the briganteen instead of beer.

At a meeting of the Council in New London, November 11th, 1710.

Present,

The Governours Honour.

Daniel Wetherell, Esq^{r}.
Rich^{d} Christophers, Esq^{r}, *Assistant.*
Mr. Jonathan Prentts, } *Justices.*
Mr. John Plumbe, }

Ordered, that Richard Christophers, Esq^{r}, pay out of the Colonys money in his hands twenty shillings unto John Lane of Midletown, a soldier in the expedition against Port Royall, for his extraordinary care and service in tending several sick soldiers on board Capt. Moses Mansfield in the briganteen Mary, in their return from said expedition.

Ordered, that Rich^{d} Christophers, Esq^{r}, pay out of the Colonys money in his hands the sum of three pounds two shillings to Mr. John Plumbe, surveyor of the county of New London, for surveying Mohegan fields, pursuant to an order of the Governour and Council in Hartford in May last, and for a map of the said fields drawn by him, and laid before the General Court in October last; in which service he had two men two days, each with their horses, and one man one day and a half with his horse,—the whole wages to the surveyor and the men he hired, and their subsistence, amounting to the said sum of three pounds two shillings.

At a meeting of the Council in New London, November 18th, 1710.

Present,

The Governours Honour.

Daniel Wetherell, Esq^{r},
Richard Christophers, Esq^{r}, *Assistant.*
Mr. Jonathan Prentts, } *Justices.*
Mr. John Plumbe, }
Lieut. John Richards, *Freeman.*

Ordered, that Richard Christophers, Esq^{r}, pay out of the Colonys money in his hands, unto Simon Murfe, twelve shillings in part of his wages as a sailor on board the Mary Gally, one of the transports of this Colony in the late expedition.

Ordered, that Richard Christophers, Esq^{r}, pay to Capt. Prentts out of the Colonys money in his hands, the sum of three pounds six shillings and four pence, for entertainment of Lieut. Coll^{o} Johnson and his men, and Capt. Newtons men in their return from the late expedition.

Ordered, that Richard Christophers, Esq^{r}, pay out of the Colonys money in his hands, the sum of eighteen shillings and four pence, to Lieut. Lattemore, for his sons going to Hartford, and charges about a mare.

At a meeting of the Council in New London, November 22d, 1710.

Present,

The Governours Honour.

Daniel Wetherell, Esq^{r}.
Richard Christophers, Esq^{r}.
Mr. John Picket, } *Freemen.*
Mr. George Denison, }

A letter from the Secretary of State, dated August 31st, 1710, was read in Council, and ordered that it be transcribed and sent to the Deputy Governour and the rest of the Council at the westward, and at Hartford: also an answer to that letter was read in Council and approved, and ordered to be copied and sent with the other copies; and to have their opinions upon the whole, whether it be proper to have a General Assembly speedily called, or what else they shall think fit to be done.

Mr. Short the printer desiring to have some money out of the treasury to buy paper withall for printing the Confession of Faith, &c. ordered to be printed by the General Assembly of this Colony; the Council, having concluded that there be two thousand of them printed, do now order that Mr. Treasurer Whiting pay unto said Short out of the Colony treasury, for the aforesaid use, the sum of forty pounds in

bills of credit, which is to be in part of payment to said Short for said books.

Ordered, that Mr. Richard Christophers pay out of the country bills in his hands, unto Lieut. Nichols, for his own expences and the expences of 40 soldiers with him, to subsist them in traveling from Cape Ann to this Colony, the sum of 13*l.* 10*s.*

Ordered, that Mr. Richard Christophers pay out of the country bills in his hands unto the widow Sarah Parret the sum of five pounds five shillings, for nursing of Joseph Nichols seven weeks, at 15*s.* per week, and 2 other soldiers 5*s.*; the whole is 5*l.* 10*s.*

At a Council held at New London, November 29th, 1710.

Present,

The Honourable Governour.

Capt. Daniel Wetherell, Esq[r].
Capt. John Hamlin, } *Assistants.*
Rich[d] Christophers, }

Mr. Jonathan Prentts, *Justice of Peace.*

This board, being informed by a letter from Coll. William Wanton of Newport to his Honour the Governour, that the collector there hath made seizure of a sloop belonging to this Colony, whereof Francis Whitemore is master, because the said sloop went from Saybrook to Newport with a clearing from the naval officer at Saybrook and had not a clearing from Mr. Shackmaple, the collector at New London: on consideration thereof, and of the resolve of the General Court in May last concerning masters of vessels who enter and clear with the naval officer in any port in this Colony, that they shall not be obliged to enter and clear at any other port, but shall have free liberty to sail from the port where they so enter and clear directly, &c.; and also considering the desire of the General Court in October last that the Governour and Council do use their utmost endeavour to defend the rights, powers and privileges of this government in and concerning our several ports, do resolve, that whatsoever is requisite to be done in this particular case, for the vindication of the vessel seized and justifying the clearing of the naval officer, be done at the charge of this government.

Ordered, that proper council shall be procured in the case, and care be taken in the answer to the libel which shall be filed by the collector against the vessel, those pleas shall be made which shall maintain the rights and privileges of the government with reference to our ports and officers established in them, according to the above resolve and desire of the Assembly.

Ordered, in the first place, that a plea be made to the jurisdiction of the court, forasmuch as the thing she is seized for is said to be done within the county of New London. Ordered, that if the court shall overrule that plea and proceed to trial, and judgment go against the sloop, and the owners do appeal home, that this government will in-

demnifie them, and such sureties as they shall procure for the prosecuting said appeal, and reimburse them for the charge which they shall be at, and the damages which they shall sustain thereby.

His Honour the Governour being now bound for Boston, is desired by the Council to go by the way of Rhoad Island with Capt. Hamlin, and to take care and do what may be proper pursuant to the above resolve.

Ordered, that a man be procured to wait upon the Governour in his journey, at the Colony's charge.

Ordered, that Richard Christophers, Esq^{r}, pay out of the Colony's bills now in his hands, unto Capt. John Hamlin, the sum of twenty pound, for the defraying the necessary charge of the Governour and himself, going to Rhoad Island about the case of the sloop seized, and what concerns that matter, he rendring an account thereof.

Upon the application of Sampson Haughton of New London, for a contribution to be made in the congregations of New London and Groton, for the relief of a daughter of his who has been for 2 years under the hands of chirurgeons, he being not able to procure money otherwise for the paying for her cure:—leave is hereby granted for such contribution to be made in the said congregations, for the use above mentioned.

Ordered, that Richard Christophers, Esq^{r}, pay out of the Colony's money in his hands the sum of one pound ten shillings and ten pence, to Capt. Saxton, for entertainment of souldiers and posts on the Colony's account.

Mr. Rich^{d} Christophers, jun., presented to this board an account of the 20*l.* which he received to go to Boston to look after the Colony's stores, &c. on board the Mary Galley, lost on Cape Cod, whereof he expended the sum of six pound twelve shillings and 6*d.* with his time, and thirty shillings paid by him to Doctor Cop; the balance due of the 20*l.* is 11*l.* 17*s.* 6*d.* which he returned to Rich^{d} Christophers, Esq^{r}, for the Colony, which account is accepted.

Ordered, that Richard Christophers, Esq^{r}, pay out of the Colony's money in his hands, to Jonathan Haines nine shillings for his work on the Mary Galley.

At a meeting of the Council in New London, January 11th, $17\frac{1}{11}$.

Present,

The Governours Honour.

Daniel Wetherell, Esq^{r}.
Rich^{d} Christophers, Esq^{r}, *Assistant.*
Mr. Jonathan Prentts, } *Justices.*
Mr. John Plumbe, }

Ordered, that Richard Christophers, Esq^{r}, pay out of the Colonys money in his hands, unto Mr. John Arnold, the sum of eight pound seventeen shillings, for expences on sick souldiers as per account.

And to Mrs. Susana Beckwith, widow, the sum of ten shillings and two pence, for entertainment of soldiers.

And to Ebenez[r] Dennis, the sum of twenty four shillings and seven pence.

And to Mr. John Plumbe, the sum of ten shillings.

And to Daniel Stubins, five shillings and eight pence.

To Daniel Wetherell, Esq[r], for nine days in Council since the beginning of November last, at 4*s* each time, 1*l* 16*s* 0*d*.

To Richard Christophers, Esq[r], for 19 times in Council since the beginning of January, 1709–10, (besides the time spent when the souldiers were here in August,) at 3*s* 9*d* each time, 3*l* 11*s* 3*d*.

To Mr. Jonathan Prentts, for 16 times in Council within the said time, at 3*s* for each time, 2*l* 8*s* 0*d*.

To Mr. John Plumbe, for 14 times in Council in said time, 2*l* 2*s* 0.

To Mr. John Richards, for 8 times in Council in said time, 1*l* 4*s* 0.

To Mr. Jonathan Prentts, for keeping a horse ten weeks which Charles Whiting brought from Boston, and paying the post for carrying him to Boston, 1*l* 0*s* 0*d*.

To the town of New London, six pounds ten shillings, for four guns lost in the Colonys service.

At a Meeting of the Council in Newlondon, January 20th, $17\frac{10}{11}$.

Present,

The Honourable the Governour.

Daniel Wetherell, Esq[r].
Richard Christophers, Esq[r], *Assistant.*
Mr. Jonathan Prentts, } *Justices.*
Mr. John Plumbe, }

Whereas upon perusal of the minutes of Council transcribed into this book, and comparing them with this transcription, it appears that the ensuing sessions of the Council, and orders therein made, is omitted to be entred by its date in its proper place: it is now ordered it shall be entred in this place, which was now done in Council, and is as follows:—

At a Council held in Newlondon, December 1st, 1710. Present, the Governours Honour, Daniel Wetherel, Esq[r], John Hamlin, Esq[r], Assistant, Richard Christophers, Esq[r], Assistant, Mr. John Pickett, freeman.

Ordered, that Richard Christophers, Esq[r], do pay out of the Colonys money in his hands, the sailors of the transports what is due to them for their wages in the late expedition against Port Royall, except the master of the Mary Galley. Also ordered, that he pay unto Thomas Star forty five shillings, according to his account. Also unto Samuel Lester, twenty shillings, according to his account. And to Jonathan Star, two shillings.

Whereas it has been shewn to this board, that Nathaniel Kay, Esq^{r}, collector of her Majesties customs in the Colony of Rhoad Island, has moved to the Hon^{ble} Nathaniel Byfield, Esq^{r}, Judge of her Majesties High Court of Admiralty for the said Colony, that appeals to her Majesty in Council may be granted him, from two decrees of that Hon^{ble} Court, bearing date January 2d, 17$\frac{1}{1}\frac{0}{1}$, discharging certain parcels of goods imported to Newport in said Colony, by Francis Whitmore, in the sloop ———, and Josiah Stone, in the sloop Gull, inhabitants of this Colony, and masters of sloops belonging to the same, which said goods were seized by the said Kay, as imported contrary to the 14th of Charles the Second, and divers other statutes.

And forasmuch as it appears that the said masters have duly attended to the rule of law in the exportation and importation of the said goods, and that it would be ruinous to the said masters, who are in low circumstances, to attend upon the said appeal in case it should be obtained, and answer the said Kay before her Majesty in Council.

And more especially considering that it is the evident design of the said information thus brought against the said masters, utterly to subvert most of the ports in this government established by law, to the ruin of the small coasting trade of this Colony,

It is thereupon resolved, that in case the said Kay shall obtain said appeal, the whole ensuing process on the said defendants part, shall be at the charge of this Colony; and that immediate care be thereupon taken to prepare what is necessary in answer to such appeals, and to set the respective cases in a full and clear light before her Majesty in Council; and that the said masters shall be saved harmless from all charge and damage by any further process of the said collector.

Mr. Richard Christophers, jun^{r}, presented an account in Council of three pound seventeen shillings and three pence due to him from the Colony, which was examined and allowed of.

At a Meeting of the Council in Newlondon, January 22d, 17$\frac{1}{1}\frac{0}{1}$.

Present,

The Honourable the Governour.

Daniel Wetherell, Esq^{r}.
Richard Christophers, Esq^{r}, *Assistant.*
Mr. Jonathan Prentts, } *Justices.*
Mr. John Plumbe, }

Whereas the Worshipfull Peter Burr, and John Alling, Esq^{rs}, Assistants, who were appointed by the last General Assembly to be of a committee for adjusting the publique accounts, &c., at Hartford, are by the providence of God prevented from attending that service: that there may be no delay in the said service, it is hereby ordered, that John Haines, Esq^{r}, Assistant, and Mr. John Plumbe, justice of

quorum, be of the said committee; and they are hereby desired and empowered immediately to attend the said service.

Ordered, that the treasurer deliver to Mr. John Plumbe fifty pounds of the publique money in his hands, to be put into the hands of Richard Christophers, Esq^{r}, for the defrayment of publique charges.

One third of a day this time.

At a Meeting of the Council in Newlondon, February 17th, 17$\frac{1}{1}\frac{0}{0}$.

Present,

The Honourable the Governour.

Daniel Wetherell, Esq^{r}.
Richard Christophers, Esq^{r}, *Assistant.*
Lieut. John Richards, } *Freemen.*
Lieut. Robert Lattimore, }

Two French men, with six attendants, who came from Canada in company with Major Levingstone, with a message from the Governour of Canada to the Governour of theMassathusetts, came to this place the last night; for whom it is ordered, that eight horses be provided, at the Colonys charge, to carry them into the government of Rhoad Island, with two men for pilots, and to bring back the said horses; and that their necessary charge whilst they are in this place, and upon the road until they get into the government of Rhoad Island, be also defrayed by the Colony.

At a Meeting of the Council in Newlondon, February 24th, 17$\frac{1}{1}\frac{0}{0}$.

Present,

The Honourable the Governour.

Daniel Wetherell, Esq^{r}.
Richard Christophers, Esq^{r}, *Assistant.*
Mr. John Plumbe, *Justice of Peace.*
Mr. John Pickett, *Freeman.*

Ordered, that Richard Christophers, Esq^{r}, pay out of the Colonys money in his hands unto Thomas Couch the sum of eight pounds nineteen shillings, for his attending on the Governour, forty two days, and cleansing of fifty seven guns of the soldiers, and mending a lock.

Ordered, that Richard Christophers, Esq^{r}, pay also to Jonathan Harries, two shillings, which was so much paid him short in his work on the transports.

This time a third of one day.

At a Meeting of the Governour and Council in Hartford, March 1st, Anno Dom. 1710–11.

Present,

The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.

Nathanael Stanly, Esq^r^, John Haynes, Esq^r^, } *Assistants.*
William Pitkin, Esq^r^, Mathew Allyn, Esq^r^, }
John Chester, Esq^r^,

The Hon^ble^ the Governour now laid before the Council a letter which he lately received from the Hon^ble^ Governor Cranston of Rhoad Island, bearing date the 23d of November last, with a copy of a letter from Mr. Penn relating to the Narragansett country,—and his Honours answer thereunto, sent to Governor Cranston. His Honour now also laid upon the board a letter he received from our agent, Sir Henry Ashurst, of the 16th of May last, which came to his hand the 24th of January last; and also the several writings and papers relating to the seizure and tryal of the two sloops belonging to Whitmore and Stone, which were lately seized by the collector at Rhoad Island; which were all read.

His Honour proposed also, whether it be not convenient to order about 150 barrels good pork forthwith to be bought for the use of this Colony, to be ready in case of need, on any expedition against the enemy.

Resolved, that 150 barrels of pork be bought for the Colonys service accordingly.

Ordered, that the secretary do write to Mrs. Hannah Newberry of Windsor, widow, to deliver three or more of the Colonys guns, in her custody, unto Coll° Allyn, to be by him disposed of for the Colonies service.

At a Meeting of the Governour and Council in Hartford, March 6th, Anno Dom. 1710–11.

Present,

The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.

Nathanael Stanly, Esq^r^, } *Assistants.*
John Hains, Esq^r^, }

Capt. Joseph Whiting, } *Freemen.*
Thomas Kimberly, }

Ordered, that the treasurer pay out of the Colonys money, unto Captain John Prentts, the sum of nine pounds thirteen shillings, which is granted him upon account of the French messengers from the Governour of Canada, their entertainment at his house.

A bill of one pound ten shillings and six pence ordered to Capt. Prents, for severals.

At a Meeting of the Governour and Council in Hartford, March 9th, 1710–11.

Present,

The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.

Nathanael Stanly, Esq^r^,
Capt. John Hamlin, Esq^r^,
William Pitkin, Esq^r^,
John Chester, Esq^r^,
John Hains, Esq^r^,
Mr. John Eliot, Esq^r^.
} *Assistants.*

Upon consideration of Sir Henry Ashhurst's letter, dated May 10, 1709, the Council resolved he should be wrote to about the ports, and the line between this Colony and Massachusets Province.

Upon application made by Capt. David Goodrich, Adjutant in the expedition to Wood Creek, in the year 1709: Ordered, that he be paid the wages allowed him per diem by the Assembly, and that it run on till his return to Wethersfield from the Wood Creek.

Ordered, that Mr. Secretary Stanly pay out of the fine recovered of Ebenezer Seymor, for counterfeiting several bills of credit of this Colony, the several sums which those bills, now in his, the said secretarys hands, were fraudulently made to pass for, to the several persons so deceived and injured by them,—and particularly,

To Mr. Richard Lord 40*s*, for a 2*s* bill made 40*s*,

To Mr. Eliot 10*s*, for a two shilling bill made 10*s*,

And endorse upon the several bills the payments so made to the respective persons, keeping the said bills, so endorsed, in his hands till further order.

Ordered, that the Commissary Whiting be directed to lay before the next Assembly, an account, as well as he is able, of the several persons in the regiment of this government, in the expedition to Wood Creek, who received the bounty money promised them by Colonel Nickollson and Coll^o^ Vetch, with the quantity or proportion that each received.

Ordered, that Lt. Thomas Treat of Glassenbury, be paid thirty shillings by the treasurer, for his extraordinary labour and service as interpreter, and in managing the Indians who served in the expedition to Wood Creek.

Ordered, that the treasurer pay out of the treasury to Daniel Nash of North Hampton, the sum of eighteen shillings and eight pence, for work done for this Colony, as per his bill appears.

Ordered, that the treasurer be allowed fifty shillings to go into the counties of New Haven and Fairfield, and pay the debts of the country there owing, per order of the committee of accounts for the year 1710.

At a Meeting of the Governour and Council in Hartford, March 10th, 1710–11.

Present,

The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.

Nathanael Stanly, Esq^r^, John Hamlin, Esq^r^, John Hains, Esq^r^, } *Assistants.*

John Eliot, Esq^r^, *Justice of the Peace.*

Ordered, that Ben. Starr, who came this morning, post from New London hither, be paid for it, by the treasurer, fifteen shillings.

Memorand. Ebenezer Fitch produced (making oath to the same,) an account of particulars of cloathing, &c., which he lost in the Mary Galley, when she was cast away in her return from Annapolis, at Cape Cod, last fall. All which were computed in Council to be worth 5*l* 11*s* 9*d*, upon which it was ordered that the treasury pay the said Fitch the said sum.

Ordered, that the pay, (as the committee have made up the accounts,) due to those of our regiment in the service of the last summer, which were in our pay, and are now at Annapolis Royall, in Nova Scotia, be sent to the Hon^ble^ Coll^o^ Vetch, Governour of that place, now at Boston, with a desire he would deliver it to Coll^o^ Whiting upon his return thither, that the soldiers may receive it, and their receipt of it sent back to the Governour of this Colony,—and that the pay to the adjutant be included in it.

Ordered, that Doctor James Laborie be paid forty shillings by the treasurer, for his good service as chaplin on board the transport Briganteen Mary, in the expedition to Port Royall, and that it be sent to him by the Governour.

At a Meeting of the Governour and Council in Hartford, March 15th, 1710–11.

Present,

The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.

William Pitkin, Esq^r^, John Hains, Esq^r^, Mathew Allyn, Esq^r^, } *Assistants.*

Caleb Stanly, *Secretary.*

Whereas George Olcott, late of Hartford, deceased, who was constable of that town, and appointed to collect and gather the country rate or tax of five pence on the pound in the year 1710, did not collect and gather all the said tax in the said town of Hartford before his decease: It is therefore ordered and resolved, that Thomas Olcott of Hartford, (brother of the said deceased,) and administrator on his estate, who also is the present constable of that town, shall be, and is hereby en-

abled and impowered, to collect and gather all the remaining part of the said tax or rate that is not yet paid, and by warrant from the treasurer, (who is hereby directed and impowered to grant the same,) to make distress for the said rate if need be, as the said deceased constable might have done.

Ordered, that John Plumb, who came this morning, post from New London hither, be paid for it, by the treasurer, the sum of fifteen shillings, money.

At a Meeting of the Governour and Council in Hartford, March 19th, Anno Dom. 1710–11.

Present,

The Hon^{ble} Gurdon Saltonstall, Esq^{r}, Governour.
Nathanael Stanly, Esq^{r}, *Assistant.*
William Pitkin, Esq^{r}, *Assistant.*
John Haynes, Esq^{r}, *Assistant.*
John Eliot, Esq^{r}, *Justice of the Peace.*
Caleb Stanly, *Secretary.*

Ordered and resolved, that there shall be paid by the treasurer out of the bills of credit of the Colony now in his hand, to the several persons hereafter named, the sums to each of them respectively set and fixed, for the satisfying and paying them so much due to them from the Colony, as appears by their accompts this day exhibited, examined and allowed in Council, and on file in the hands of John Haynes, Esq^{r}, Assistant, viz:

To Mr. Thomas Short of New London, for the use and account of Mr. Seth Dwight, for satisfying him for 43 bushels of pease that were consigned to him by Henry Dwight, and were taken out of Carteret Gillam, one shilling per bushel more than the committee allowed before,	2	03	00
To Philip Smith, senior, of Hartford,	0	06	08
To Capt. Caleb Williamson of Hartford,	2	11	08
To Thomas Seymor of Hartford,	0	06	00
To Capt. Samuel Wells of Glastenbury,	2	05	00
To Thomas King, junior, of Hartford,	0	08	00
To Richard Burnham of Hartford,	0	06	00
To Daniel Merril of Hartford,	0	05	06
To Capt. Cyprian Nichols of Hartford,	0	04	06
To Bevil Walters of Hartford,	0	04	06
To Samuel Webster of Hartford,	0	04	06
To Isaac Merril of Hartford,	0	04	06
To Jonathan Bidwel of Hartford,	0	04	06
To Thomas Cadwel of Hartford,	0	04	06
To Samuel Shepard, junior, of Hartford,	0	04	06
To Jonathan Barret of Hartford,	0	04	06
To Thomas Olcot of Hartford, constable,	0	09	00

To Benjamin Starr of New London, for coming post from thence hither this day,	0	15	00
To Thomas Jiggels of New London, for the bearing and paying the charge of himself, John Plumb, and the ten horses they came hither with on the 11th instant to bring the French gentlemen, viz., their charges in going back to New London,	0	12	00
To William Pitkin, Esq^{r},	3	00	00
To John Chester, Esq^{r},	3	05	00
To John Eliot, Esq^{r},	3	05	00
To Thomas Kimberly of Glassenbury,	2	08	00
To Nathaniel Stanly, Esq^{r},	0	15	00
To John Haynes, Esq^{r},	1	12	06
To the Hon^{ble} Governour Saltonstall,	12	04	00
To Caleb Stanly, Secretary, for the year 1709,	21	08	00
To Caleb Stanly, Secretary, for the year 1710, besides 40*l* 14*s* 2*d* that he hath received out of Ebenezer Seamor's fine,	21	18	04
To John Chester, Esq^{r}, more,	1	08	00
To John Haynes, Esq^{r}, more,	1	08	00
To John Eliot, Esq^{r}, more,	1	08	00
To Major Joseph Talcot,	1	08	00
To Capt. Joseph Whiting,	14	00	03

At a Meeting of the Governour and Council in New London, April the 5th, 1711.

Present,

The Hon^{ble} Gurdon Saltonstall, Esq^{r}, Governour.

Daniel Wetherell, Esq^{r}.
Richard Christophers, *Assistant*.
John Plumbe, Esq^{r}.
George Denison.

Ordered, that Richard Christophers, Esq^{r}, send out of the Colony money he has in his hands unto Capt. Cyprean Southback of Boston, the sum of seven pounds fifteen shillings and seven pence, for eighteen days hire of his sloop Speedwell, in the expedition against Port Royall.

And to Capt. Habijah Savage, forty shillings, for half a barrel of pork that the Colony owes him for.

And to Mr. Jeremiah Dummer, the sum of six pounds, which is for so much he payd to Capt. Tomson on a bill drawn by Coll. Whiting on him, which is for contingent expences of our men at Anapolis Royall.

Ordered, that Capt. Andrew Belcher be desired to send to Coll. Whiting to the value of eight or nine pounds in such things as he sends to the sick men of the Massachusets Province at Anapolis

Royall, to be improved by Coll. Whiting to the use of the sick men there that belong to this Colony.

Agreed, that the Governour send to Mr. John Cambell, post master, for a Weekly News Letter.

This time half a day.

At a Meeting of the Governour and Council in New London, April 13th, 1711.

Present, The Hon^{ble} Gurdon Saltonstall, Esq^{r}, Governour.
Daniel Wethrel, Esq^{r}.
Richard Christophers, Esq^{r}, *Assistant.*
Jonathan Prentts, } *Justices.*
John Plumbe, }

Ordered, that Richard Christophers, Esq^{r}, pay out of the Colonys money in his hands, to the persons hereafter named,—

To the Hon^{ble} Governour, for the hire of a horse to Boston and Rhoad Island, which Mr. Richard Christophers, junr, had to wait on his Honour,	1	3	0
To Richard Christophers, Esq^{r},	5	8	9
To Joseph Beebe,	0	6	8
To W^{m} Latham, Capt. Saxton, and others, as appears per account,	2	15	9
To George Way, for 2 new hog^{s},	0	16	0
To Tho. Bennatt,	0	19	0
To Capt. John Hough,	0	15	4
To Capt. John Prentts,	2	3	10
	14	8	4
To John Harris,	0	16	9
	15	5	1
Also to Lieut. John Richards and others, as appears per account,	04	5	0
To Joseph Truman,	0	3	6
To Anthony Ashbe,	2	10	5
To Thomas Short,	0	3	0
To Mr. Arnold and others,	3	7	0
To Mr. Peter Harris,	1	5	0

This time half a day.

At a Meeting of the Governour and Council at New London, April 21st, 1711.

Present, The Governours Honour.
Daniell Wethrell, Esq[r].
Richard Christophers, Esq[r], *Assistant.*
Jonathan Prentts, } *Justices.*
John Plumbe, }

This day was read in Council, a memorial setting forth the state of the coasting sloops whereof Francis Whitmore and Josiah Stone were masters, with the whole proceedings thereon, before the Hon[ble] Nathanel Byfield, Esq[r], Judge of her Majesties, &c., prepared and made ready to be sent to the Hon[ble] Sir Henry Ashurst, that he may be furnished to appear in the vindication of our ports and coasting trade, which are struck at by the collectors in those cases; which memorial was approved. and ordered to be sent to Sir Henry by the Bristol packet boat, which arrived at New York this week.

At the same time was read a letter prepared by the Governour to be sent to Sir Henry, concerning the divident line between this Colony and her Majesties Province of Massachusetts Bay; as also concerning Duke Hambletons claim to a part of this Colony, and concerning the said memorial, which was approved and ordered to be sent him by the same opportunity.

Capt. Daniel Wethrell gave in to this board an account of what money he had received for the impost of liquor whilst he was naval officer, the balance of which account is 23*l* 11*s* 3*d*, reckoning 12*d* on the pound advance for such publick payments, the which is but 22*l* 8*s* 9*d*, without that advance. Also by said Capt. Wetherels account there is in his hands a bill for three pounds eighteen shillings, due from Theophlas Readfield for impost.

Ordered, that Capt. Wethrel pay the abovesaid sum of 22*l* 8*s* 9*d* unto Richard Christophers, Esq[r], for the use of the Colony, and that he deliver the aforesaid bill to the present naval officer, in order to his getting the money due thereon.

Ordered, that Richard Christophers, Esq[r], pay out of the Colonys money in his hands, unto Capt. Dan[ll] Wethrell the sum of 35*s* due to him for his salary at the Court of Assistants in May last.

And to Mr. Augustus Lucas of Newport, the sum of three pounds six shillings for copies out of the Court of Admiraltys office.

At this time half a day.

[133] *CONNECTICUT COLONY.*

At a General Assembly and Court of Election, begun and holden at Hartford, in her Majesties Colony of Connecticut, in New England, on Thursday, the 10th day of May, in the tenth year of the reign of our Sovereign Lady Anne, Queen of Great Brittain, &c., Annoque Domini 1711, and continued by several adjournments to the 31st day of the same month.*

Present at this Assembly were,

The Honourable Gurdon Saltonstall, Esq^r^, Governour.

Assistants,

Nathanael Stanly, Esq^r^,
John Hamlin, Esq^r^,
William Pitkin, Esq^r^,
Joseph Curtis, Esq^r^,
John Chester, Esq^r^,
Josiah Rossetter, Esq^r^,
Richard Christophers, Esq^r^,
Peter Burr, Esq^r^,
John Haynes, Esq^r^.
Samuel Eells, Esq^r^.
Mathew Allyn, Esq^r^,

Deputies or Representatives that were present and attended at this Assembly were as hereafter followeth: that is to say,

Mr. Nathanael Hooker, for Hartford.
Mr. Samuel Bishop, Mr. Nathanael Yale, for Newhaven.
Mr. William Douglas, Mr. James Rogers, for New London.
Major John Burr, Capt. Joseph Wakeman, for Fairfield.
Mr. Roger Woolcott, Capt. Timothy Thrall, for Windsor.
Capt. Robert Wells, Capt. James Steele, for Wethersfield.
Capt. Thomas Hart, Mr. John Stanly, for Farmington.
Mr. Edward Shepard, Mr. William Ward, for Middleton.
Mr. Samuel Hale, Mr. Thomas Kimberly, for Glassenbury.
Capt. John Higley, Mr. Samuel Wilcockson, for Simsbury.
Mr. James Wells, Capt. Thomas Gates, for Haddam.
Mr. Joshua Riply, Mr. John Backus, for Windham.
Mr. Michael Taintor, Mr. Joseph Wright, for Colchester.
Mr. Joseph Peck, Mr. Zachariah Baldwin, for Milford.
Mr. Edward Barker, for Branford.
Mr. Andrew Ward, Mr. John Collins, for Guilford.
Capt. John Merriman, Mr. John Hall, for Wallingford.
Mr. Ephraim Minor, for Stonington.
Major John Clark, Mr. Robert Chapman, for Saybrook.
Mr. Thomas Williams, Mr. John Smith, for Plainfield.
Capt. James Avery, Mr. John Morgan, jun., for Groton.

* Only the Journal of the Upper House is found.

Capt. John Parks, for Preston.
Mr. Samuel Hawly, Mr. Benjamin Sherman, for Stratford.
Lt. Colº Ebenezer Johnson, for Derby.
Capt. Richard Bushnell, Mr. Solomon Tracy, for Norwich.
Mr. Ebenezer Mead, for Greenwich.
Mr. Timothy Stanly, Mr. John Hopkins, for Waterbury.
Mr. Elisha Holly, Mr. John Ambler, for Stamford.
Mr. William Holton, Mr. John Sprague, for Lebanon.
Capt. William Eely, Mr. Reynold Marvin, for Lyme.
[134] Mr. John Griswold, for Killinsworth.
Mr. John Sherman, Mr. Benjª Hinman, for Woodbury.
Mr. Josiah Starr, Mr. Francis Barnum, for Danbury.
Mr. Samuel Hanford, for Norwalk.
Mr. Elisha Payne, Mr. Samuel Addams, for Canterbury.

Capt. John Sherman, Speaker, } of the House of Represent-
Capt. Richard Bushnell, Clerk, } atives.

This day, being the day appointed by charter, and the laws of this Colony, for Election of the publick officers of this corporation, viz:—the Governour, Deputy Governour, Assistants, Treasurer, and Secretary,—proclamation was now made in this Assembly, by order of the Honourable the Governour and Council, and the freemen of this corporation proceeded to give in their votes to persons chosen and appointed by the Governour, Council, and Representatives, to receive and sort them. The said persons,so chosen and appointed, were John Hamlin, Esqr, John Chester, Esqr, Richard Christophers, Esqr, Joseph Talcott, Esqr, Mr. Richard Lord, Major John Clark, Mr. Elisha Holly, and Mr. John Collins, who were all sworn truly and faithfully to receive, sort, and count the said votes. And the votes of the freemen having now been brought in, sorted, and counted,—

The Honourable Gurdon Saltonstall, Esqr, was chosen Governour of this Colony, for the year ensuing, and the Governours oath was now administred to him by the Assistants, in this Assembly, and also the oath required to be taken by all Governours, in and by an act of Parliament made in the seventh and eighth years of King William, relating to the Plantation Trade.

The Honourable Nathan Gold, Esqr, was chosen Deputy Governour of this Colony, for the year ensuing.

Nathanael Stanly, Esqr,	Peter Burr, Esqr,
John Hamlin, Esqr,	John Alling, Esqr,
William Pitkin, Esqr,	John Haynes, Esqr,
Joseph Curtis, Esqr,	Samuell Eells, Esqr,
John Chester, Esqr,	Mathew Allyn, Esqr,
Richard Christophers, Esqr,	Joseph Talcott, Esqr,

were now chosen Assistants for this Colony for the year ensuing; and all of them, excepting John Alling, Esq^{r}, were now sworn Assistants, in the presence of this Assembly, by the Hon^{bl} the Governour.

Capt. Joseph Whiting was now chosen Treasurer of this Colony, for the year ensuing, and was sworn to that office and trust.

Caleb Stanly was now chosen Secretary of this Colony, for the year ensuing, and was now sworn to that office and trust in the presence of this Assembly.

By order of the Honourable the Governour, the gent: members of both Houses being met together, the Governour laid before them sundry letters and writings, relating to the publick business and affairs of this Colony, and recommended the several matters contained in them, to the consideration of this Assembly.

This Assembly do establish and confirm Mr. John Savage to be Captain, Mr. James Ward to be Lieutenant, and Mr. Daniell White to be Ensign, of the north company or trainband in the town of Middletown.

This Assembly do establish and confirm Mr. John Sherman Captain of the company or trainband in the town of Woodbury.

This Assembly do establish and confirm Mr. Jonathan Bell to be Ensign of the company or trainband in the town of Stamford.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of [135] *the same*, That a suitable vessel that || will carry about one hundred men, be taken up, or bought, at the charge of this Colony in conjunction with the Colony of Road Island, to be manned and fitted out with all things necessary, at the charge of the said Colonys, and to be imployed in convoying the coasting vessels between New London and Cape Cod, and up the Sound, until some time in November next, as the captain or commander thereof shall receive instructions; this Colony to be at one half the charge thereof, or such part of the charge as shall be agreed upon by the committee hereafter named and appointed for and on the behalf of this Colony. And it is ordered and enacted by the authority aforesaid, that the Hon^{bl} Gurdon Saltonstall, Esq^{r}, Governour, John Hamlin, Esq^{r}, Richard Christophers, Esq^{r}, and Mr. James Rogers, jun^{r}, be a committee for and on the behalf of this Colony, with full power to treat and agree with such gentlemen as are or shall be appointed to be a committee for the said Colony of Rhoad Island,

about procuring, manning, fitting and setting forth the said vessel, as need shall require, keeping accompts of what they shall do therein.*

Upon consideration of the petition of Benjamin Wright of Killingworth, relating to an action lately depending between him and Abraham Post of Saybrook, and the pleas of the petitioner, with the replys of the said Abraham Post thereupon: This Assembly do not see cause to grant the matter pray'd for therein, but do adjudge the said petitioner to pay, to the said Abraham Post, his cost of attendance upon the said petition, which is allowed to be twenty five shillings and four pence, currant money. *Execution was granted on this judgment July 11th*, 1711.

Upon consideration of the petition of Daniell Harris of Middletown, respecting the last will of his father, Capt. Daniell Harris, late of Middleton, deceased, and the pleas of the petitioner, with the replys of John Harris and Samuel Bidwell of said Middleton, executors of the said will: This Assembly do not see cause to grant the matter pray'd for therein, but do adjudge the said petitioner to pay to the said executors, their cost of attendance upon the said petition, which is allowed to be twenty two shillings and six pence, currant money. *Execution granted May* 5, 1712.

Upon consideration of the petition of James Rogers, junior, of New London, relating to a negro woman in the hands of Samuell Beebee of Southhold, and of the pleas of the petitioner thereupon, with the replys of the said Samuell Beebee made thereunto: This Assembly do not see cause to grant the matter pray'd for therein, but do adjudge the said petitioner to pay to the said Samuell Beebee, his cost of attendance upon the said petition, which is allowed to be three pounds two shillings and eight pence, currant money. *Execution was granted on this judgment June 2d*, 1711.

Upon consideration of the petition of Mr. Joseph Bull of Hartford, relating to an action lately depending between him and Mr. Samuel Howard of Hartford, and relating to the last will of Capt. Thomas Bull, deceased, and the pleas of the said Joseph Bull thereon, with the replys of the said Samuel Howard thereunto: This Assembly do not see cause to grant the matters pray'd for in the said petition, but do adjudge the said petitioner to pay to the said Sam[l] Howard his cost of attendance upon the said petition, which is allowed to be twenty five shillings and eight pence, currant money.

* *In the margin.*—This act is supplyed by another, and is made void by both Houses.

[136] Capt. Samuel Couch of Fairfield, on the behalf of himself and the rest of the inhabitants of the Western Farms within the said town of Fairfield, now again moved to this Assembly, (as he did in October last,) for liberty to be granted to them to provide and settle an orthodox minister of the gospel amongst them, and to be freed from paying towards the maintenance of the minister of the said town of Fairfield; and Major Peter Burr, Capt. Joseph Wakeman, and Major John Burr of Fairfield, agents for that town, appeared now before this Assembly and presented the reasons of the inhabitants of the said town of Fairfield against granting such liberty and freedom to the said Western Farms:—Upon consideration of which, this Assembly do now grant liberty to the said Western Farmers to call and settle an orthodox minister of the gospel amongst them; and do grant a release and freedom to them from paying rates and taxes for and towards the maintenance of the minister of the said town of Fairfield, for and during such time as they shall have such a minister in exercise amongst them; and that they shall be a distinct parish or society by and of themselves, within the said town, and within such bounds as shall hereafter be set and fixed for them, by the committee hereinafter named and appointed.

And it is ordered and enacted by this Assembly, That that part of the town of Fairfield, which belongs not either to the parish of Stratfield, or to the parish of the Western Farms now made, shall be reckoned one distinct society, and shall for the future maintain the ministry among themselves, according to any agreement made between the present minister and the said town of Fairfield, or which hereafter they shall make; and shall have full power, as if they were a distinct town, to order all affairs relating to the maintenance or support of the ministry among them, and for leasing and improving any land or estate formerly given to the support of the ministry, or of the school, in the said town of Fairfield, as the whole town might or could have done before the making or stating either of the aforesaid parishes; and that the lands which shall fall within the said parish of the West Farmers, and not belong to any inhabitants within the said parish, shall not be rated or assessed to any charges or duties arising within the said parish. And this Assembly do now order and appoint Joseph Curtis, Esq^{r}, Capt. Joseph Platt, and Mr. John Copp, to be a committee to consider what bounds and limits may be best to be set and fixed for the said western parish, and to survey and lay out the same, and make report of what they shall do therein, to the General Assembly in October next.

Upon consideration of the petition of Joseph Tuttle of Newhaven, relating to an action lately depending between him and Nathanael Johnson of Branford, administrator on the estate of W^m^ Hoadly, deceased, and of the pleas of the said Johnson in bar of the said petition: This Assembly do resolve that the said petition shall abate, and not be admitted any further to be heard, and do adjudge the said petitioner to pay to the said Johnson his cost of attendance upon the said petition, which is allowed to be twenty six shillings currant money. *Execution was granted July* 11*th*, 1711.

Upon consideration of the petition of James Poisson of Wethersfield, respecting an action lately depending between him and Benjamin Addams of Wethersfield, and of the pleas of the said Addams in bar of the said petition: This Assembly do resolve that the said petition shall abate, and not be admitted any further to be heard, and do adjudge the said petitioner to pay to the said Benjamin Addams his cost of attendance upon the said petition, which is allowed to be sixteen shillings and eight pence currant money. *Execution was granted on this judgment July* 11*th*, 1711.

[137] Whereas it hath been made appear to this Assembly, that Peter Creery, late of Groton, deceased, in the year 1704, did commence an action of trespass and ejectment against James Welch of Plainfield, for his unjust entry into certain lands in Plainfield, and that the said action was removed from the county court at New London (by appeal) to the court of assistants at Hartford, in May, 1705, and that the said court of assistants never gave judgment upon the said action: Wherefore this Assembly do now order and declare, that the said action or suit shall be no bar to any person that hath right to any of the lands mentioned or sued for in the said action, or the original writ therein, but that any such persons may enter into, or sue out his right unto any of said lands, as fully as if the said action had never been commenced or begun.

Whereas it hath been made appear to this Assembly, that the whole estate of John Davis, late of Fairfield, deceased, is not sufficient to pay all his debts: This Assembly do now give and grant full power to Mr. Phillip Lewis and Mr. John Edwards of Fairfield, administrators on the said estate, to sell the lands of the said John Davis, deceased, for the best advantage, to procure money for and towards paying the said debts, and therein to proceed with the advice of the court of probate at Fairfield, and to render an accompt of their doings therein to the said court of probate, and to give deeds of the said land.

The Hon^{bl} the Governour laid before this Assembly a letter which he had lately received from the Hon^{bl} Samuel Cranston, Esq^{r}, Governour of Rhoad Island, relating to this Colonys claim to the Narragansett country, which he supposed had been lately revived and renewed before her Majestie,—and also a copy of a letter which his Hon^{r} had sent to the said Governour Cranston, in answer thereunto,—and desired the Assembly to consider the case, and declare what they thought proper to be further done therein:—And this Assembly having considered the same, declared that they thought it not proper to do any thing further about that matter at this time.

Whereas there is some reason to conclude that Duke Hamilton doth intend to continue and renew his claim to all the land in the eastern part of this Colony: This Assembly do therefore desire and request the Honourable the Governour to take effectual care to get the necessary writings and copies relating to that matter, and to draw instructions and send them to our agent, that he may send us his advice, what he thinks proper for us to do in that affair.

This Assembly grants liberty and full power to Daniell Merrill of Hartford, administrator on the estate of Isaac Cakebread, late of Hartford, deceased, to sell the dwelling house, homelot, tan-yard, and their appurtenances, lying and being in Hartford, and late belonging to the said deceased, to procure money wherewith to pay the debts due from the said estate; and to make and execute the necessary deeds and conveyances of the same, rendering to the court of probate in the county of Hartford an accompt of his doings therein.

This Assembly grants liberty and full power to Benajah Bushnell of Norwich, administrator on the estate of Joseph Pasmoth, late of Norwich, deceased, to sell the land belong-[ing] to the said estate, to procure money wherewith to pay the debts due from the same; and to make and execute the necessary deeds and conveyances of the said lands, rendering to the court of probate in the county of New London an accompt of his doings therein.

Mr. Elisha Holly, Mr. Samuell Hanford and Mr. John Ambler, are appointed to return the thanks of this Assembly to [138] the Reverend Mr. Stephen Buckingham, for his || good service in preaching the election sermon, and also to request of him a copy thereof, that it may be printed.

Upon consideration of the petition of Joseph Hill, John Kilbourn, William Wickham, Thomas Kilbourn, senior, and Jemima Chester, relating to the bounds of their lands in Glas-

senbury, and of the pleas of the said petitioners thereupon: This Assembly do resolve, that the said petition shall abate, and that it shall be no further admitted.

Upon consideration of the petition of Daniell Clark of Middletown, now presented to this Assembly, relating to an action lately depending between him and John Sage of Middletown, and of the pleas of the petitioner thereupon, and also of the pleas of the said John Sage in bar of the said petition: This Assembly do resolve that the said petition shall abate, and not be admitted any further hearing, and do adjudge the said petitioner to pay nineteen shillings and ten pence, currant money, to the said John Sage, for his cost of attendance upon the said petition. *Execution was granted on this judgment September 14th*, 1711.

Samuell Moorehouse, junior, of Stratfield, now again petitioned to this Assembly, (as he did in October last past,) for a yearly pension to be allowed him out of the treasury of this Colony, in consideration of the loss of his hand in her Majesties service the last summer: This Assembly having considered his case, do allow and grant unto the said petitioner the sum of five pounds per annum, to be annually paid to him by the treasurer, out of the publick treasury of this Colony, for and during such term and time as the General Assembly shall think fit, and until they shall order otherwise. And this Assembly do order, that the ten pounds granted to the said petitioner in October last, shall not be reckoned towards payment of the said five pounds per annum hereby granted.

Moses Gilbert of Fairfield, mariner, presented a petition to this Assembly, shewing that while he was in the service of this Colony in the year 1709, carrying a freight of corn to Boston, he was taken by the French enemy and carryed to Port Royal, where he suffered great hardship, which (with some small lameness he had before,) hath caused him to lose one of his legs, to his great damage, if not utter ruin; and praying for some allowance of money to be made him out of the publick treasury: This Assembly upon consideration of the said petition, do allow and grant unto the said Moses Gilbert, a liberty of a brief to crave the contribution of the people within this Colony, for his relief, in such and so many towns thereof as the Hon^{bl} the Governour and Council shall order and appoint, who are hereby desired to consider the case, and order the said brief accordingly.

An Act for stating the Wages of such Souldiers as shall be imployed in Scouting within this Colony, and that shall fit and furnish themselves.

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That every such souldier as shall be imployed in the service of this Colony, in scouting, for the security of any of the outmost or northern plantations, and who shall provide and fit himself at his own cost, with good and sufficient arms, amunition, provision, and horse if need be, and all other things needfull for the service, shall be allowed and paid two shillings and six pence per day, as money, for the same.

Mr. John Vryling of Boston, merchant, made his application to this Assembly for a reasonable satisfaction to be paid to him, for his ship called the Mary Gally, taken into her Majesties ser- [139] vice the last summer on the expedition || against Port Royall, to transport men and stores of this Colony; which ship was cast away and lost in that service: Upon consideration whereof, this Assembly do allow and grant to the said John Vryling, for his said ship so lost, the sum of eight hundred pounds, as money, to be paid to him out of the publick treasury of this Colony, whereof the sum of one hundred sixty nine pounds and one shilling, (being the produce of what was saved of the said ship,) is paid to him already.

Upon consideration of the petition or request of Causchawet, Indian man, and his squaw, and of the Indian squaw, or widow of Mussecuppe, late a sachem, deceased, now living or residing at Middleton or Glassenbury, praying for liberty to be granted to them to sell one certain piece or parcel of land to them belonging, of about two acres, lying in Wongung meadow in Middleton, unto Joseph Hollister of Glassenbury, for the paying a debt which they owe to him; which said piece of land is bounded with Wongung Brook on the north, with George Stockings land on the south, with Capt. Nathanael Whites land on the west, and with Samuell Cornwalls land on the east: This Assembly do grant liberty to the said Indians to sell the said land to the said Joseph Hollister, and also liberty to the said Joseph Hollister to buy the same; provided it may be done with the consent of the inhabitants of the said town of Middletown.

This Assembly, upon consideration of the great backwardness and neglect amongst the people of this Colony, in paying the forty shillings upon every thousand pounds in the lists of estate, allowed by law for the supporting and keeping of schools, do order and enact, that for the year last past, and also for

the future, until this Assembly shall order otherwise, the said sum of forty shillings, (reckoned, and to be reckoned as country pay,) upon the thousand pounds, and at that rate, upon the lists of estate of the several towns, villages and places within this Colony, shall be paid by the treasurer, out of the publick treasury of this Colony, to the committees for the schools respectively, or their order, for the support of the schools in the said towns, villages, and places, and to be paid in the bills of credit, two thirds that sum, as money.

Major Samuell Eells of Milford, Esq^{r}, presented a petition to this Assembly, shewing, that one Charles Deal, formerly of Milford, deceased, dyed seized of a certain house lot, in Milford aforesaid, of about one acre and half, with an orchard thereon, and bounded eastward with a creek, westward with land now in the possession of Samuell Baldwin, northward with John Murwin's land, and southward with a street or highway; and also of one island, known by the name of Milford or Charles's Island, containing about twelve acres, bounded all round about with the sea; and the said Charles Deal, (having no relations,) by his will did bequeath the said lands to his wife named Pitty, an Indian woman, who after married with one Samuell Couch, and in some time after dyed; and the said Samuel Couch after the decease of the said Pitty, his wife, made his will and dyed, and in and by his said will did give the said lands to his daughter, Elizabeth Couch, in England, provided she should personally come to possess the same, within seven years next following the date of the said will, or otherwise he gave the said lands to Nathanael Eells, brother of the petitioner;—and that after the said Nath^{l} Eells purchased and bought the said lands, of the said Elizabeth Couch, [140] for a valuable || consideration, and hath sold the same to the said Samuel Eells, the petitioner;—and that the said petitioner fears, least that at some time or other, this Colony may lay claim to the said lands, by force of the law, title Escheats, for that the said Samuell Couch was no otherwise intituled thereunto, but by his marriage with his said wife Pitty, who dyed and left no heir that hath yet appeared;—and the said petitioner in his said petition, now prays, that this Assembly would give and grant unto him and his heirs, all the right that hath accrued, or that may accrue to this Colony, in and to the said lands, by force and virtue of the said law, title Escheats: Upon consideration whereof, this Assembly do accordingly give and grant, unto the said Samuell Eells, his heirs and assigns, all the right of this Colony whatsoever, to the said lands, that hath accrued, or may accrue to them by the said law.

This Assembly, upon the request of James Dean of Plainfield, and in consideration of his loss by fire, do free and release him from paying any rates or taxes to the Colony, which are or shall be ordered to be paid in the years 1710 and 1711, but not from town or ministers rates.

Whereas the General Assembly of this Colony, holden at Hartford, May 8th, 1673, did give and grant to Mr. Samuell Wakeman of Fairfield, two hundred acres of land; and whereas upon the request of Capt. John Wakeman of Fairfield, son of the said Samuell Wakeman, who is now deceased, Mr. John Meredith, surveyor of land in the county of Fairfield, on the 8th day of April, 1709, did survey and lay out the said two hundred acres of land, in one intire piece, adjoyning unto, or very near to the northern bounds of the said town of Fairfield, and described as followeth, viz:—Beginning at a small staddle, (which is the southwest corner of Mr. Joseph Webbs land,) in the rear line of Fairfield bounds, and thence running west by south, half south, along the said rear line, one hundred rods, to a heap of stones, thence north by west, half west, one mile, (with four rods more allowance for a highway between this said 200 acres and the said rear line,) thence east by north, half north, one hundred rods, to the northwest corner of said Mr. Webs land, and thence south by east, half east, one mile and four rods, along by said Webbs land, unto the said staddle first mentioned,—as by the report of the said surveyor, now laid before this Assembly (which is hereby ordered to be kept on file) it doth and may appear:—Wherefore this Assembly do allow, approve, and confirm the said survey of the said two hundred acres of land, and the land therein mentioned and surveyed, unto the heirs of the said Samuell Wakeman, deceased, and do order that they shall have liberty to take out a pattent according to law, for the same.

Whereas the General Assembly of this Colony, holden at Hartford, May 9th, 1672, did give and grant unto the town of Fairfield, in the county of Fairfield, six hundred acres of land, for the maintenance and support of a grammar school to be kept there; and whereas at the request of the selectmen of the said town of Fairfield, Mr. John Meredith, surveyor of land in the county of Fairfield, on the 8th day of April, 1709, did survey and lay out the said six hundred acres of land, adjoyning unto, or near to the northern bounds of the said town of Fairfield, and described as followeth, viz:—Beginning at a certain chesnut tree, near the road to Danbury, and thence running three hundred and fifty two rods along in the rear line of the said [141] Fairfield bounds || to a great red oak tree, (which is

the south east corner of Mr. Joseph Webbs land,) and thence north by west, half west, one mile, (with four rods more allowance for a highway, between this said 600 acres, and the said rear line,) and thence east by north, half north, or paralell with said rear line, 352 rods, and thence in a straight line to the chesnut tree first mentioned,—wherein also is included one hundred acres of land formerly laid out for George Hull, as by the report of the said surveyor, now laid before this Assembly, (which is hereby ordered to be kept on file,) it doth and may appear:—Wherefore this Assembly do allow and approve the said survey of the said six hundred acres of land, and do grant and confirm the same, unto the inhabitants of the said town of Fairfield for ever, to be improved in the best manner, for the use and behoof of a grammar school, to be kept in that town, and for no other use whatsoever; saving the said hundred acres included within the said survey, unto the said George Hull; and do order that the said inhabitants of Fairfield shall have liberty to take out a pattent for the same.

Upon consideration of the petition of Leonard Dyx of Wethersfield, now presented to this Assembly, relating to the judgment of the county court, held at Hartford, December 5th, 1710, given against him, whereby he was adjudged to forfeit a bond or recognizance of forty pounds, money, by which he was bound to appear at the said county court in September, 1710, to answer to the charge and accusation of Lydia Bidwell, for begetting her with child, and relating to the execution given against him for the said sum of forty pounds: This Assembly do order, that in case the said Leonard Dyx shall give bond with sufficient surety, to the treasurer of the said county of Hartford, in the said sum of forty pounds, lawfull money, conditioned for his personal appearance at the county court to be holden at Hartford, (by adjournment,) on the second Tuesday of June next, then and there to answer to the said charge and accusation of the said Lydia Bidwell laid against him, and to abide and fulfill the order and judgment of the court, that shall be given thereon, that thereupon, the said treasurer shall return and deliver to him, said Leonard Dyx, out of the forty pounds and fifteen shillings taken from him by the said execution, the sum of thirty five pounds; and that he do keep the residue thereof, viz., five pounds fifteen shillings, in his hands, until he shall receive further order about the same from the said county court.

This Assembly grants liberty and full power to Mrs. Mary Collins of Middleton, widow, administratrix on the estate of

her late husband, Mr. Samuel Collins, of said Middleton, deceased, to sell so much of the lands belonging to the said estate, as shall be necessary to produce money sufficient to pay the debts yet remaining due from the same, and to make and execute the necessary deeds thereof. Provided always, that the said Mary Collins shall not sell any more of the said lands then she shall be directed and allowed to sell by the court of probate in the county of Hartford.

[142] Capt. John Higley of Simsbury, presented a petition to this Assembly, shewing that he commenced an action of debt, upon a bond of arbitration, against Nathanael Bissell of Windsor, yeoman, at the county court, held at Hartford, March 6th, 1710–11, and there prosecuted the same, wherein the jury gave a special verdict in these words, viz: That if arbitrators putting more into the award then is specified in the bond doth by law annul the award, then the jury find for the defendant cost of court; but if not, then the jury find for the plaintiff one hundred pounds, currant money, and cost of court;—that the said county court resolved the case in law contained in the said verdict thus, viz., That if arbitrators put more into the award then is specified in the bond, it doth by law annul the award,—which the said petitioner conceives to be against the intent of the law, and to his great damage, and therefore prays for relief or liberty of further tryal for his said debt: Upon consideration whereof, this Assembly do allow and grant to the said John Higley a liberty of having a review or appeal in his said action, against the said Nathanael Bissell from the said judgment of the county court at Hartford, in March last; provided he do give notice thereof to the said Bissell, by delivering to him a copy of this act, or leaving the same at his house, on or before the sixth day of June next, and also do enter his review or appeal at the county court to be holden at Hartford (by adjournment) on the second Tuesday of June next, and there give bond to prosecute the same.

This Assembly grants liberty to the inhabitants of the town of Canterbury, by and with the approbation of their neighbouring elders and churches, to gather a church and call a minister to office amongst them, according to the rules of the gospel and the order of discipline established by this government.

Whereas the General Assembly of this Colony, holden at Hartford, May 14th, 1674, and May 12th, 1687, did give and grant to Capt. John Stanly of Farmington, two hundred acres of land,—and Lieut. John Stanly of Farmington, eldest son of the said Capt. John Stanly who is now deceased, pursuant

to an act of this Assembly made and passed in May, 1708, constituting the town of Kellingley, having desired Capt. John Chandler to find, survey, and lay out the said 200 acres of land granted to his father as aforesaid, he, the said Chandler, hath accordingly surveyed and laid out the same, within the said town of Kellingley, and exhibited in this Court a platt thereof, dated April 29th, 1709, which lyes in one intire piece:—Now therefore, this Assembly do allow and approve the said survey of the said 200 acres of land, for the heirs of the said Capt. John Stanly, deceased, provided it doth not prejudice any former grant of this Assembly, and do order that they shall have liberty to take a pattent according to law for the same.

This Assembly do establish and confirm Mr. Thomas Treat to be Lieutenant of the company or trainband in the town of Glassenbury.

Whereas for the promoting and encouraging of the expedition formed against Canada, in the year 1709, the Hon^{bl} Col^{o} Nicholson and Col^{o} Vetch, by their proclamation, engaged arms, or bounty money, to such as should appear to go into that service, which money hath not yet been paid to all of them that went from this Colony, although many of them were paid:—This Assembly do now order that the committee [143] upon accompts, appointed in October last, do make || inquiry into the accompts of Mr. Joseph Whiting, who was commissary upon that expedition, and into any other of the Colonys accompts, the better to inform themselves of which and how many of the souldiers of this Colony, then out in that service, have had and received the said bounty, or part thereof,—and thereupon to give order to the treasurer of this Colony, to pay out of the publick treasury, to all such of the said souldiers as are not yet paid, the said bounty money, or part thereof, as it shall appear to be due to them; and the said treasurer is hereby ordered to pay the same accordingly.

William Pitkin of Hartford, Esq^{r}, is by this Assembly chosen and appointed to be Judge of the County Court and Court of Probate, in the county of Hartford, for the year ensuing;—and Thomas Hart, Esq^{r}, John Eliot, Esq^{r}, John Hooker, Esq^{r}, Robert Wells, Esq^{r}, Richard Lord, Esq^{r}, John Higley, Esq^{r}, and Nath^{l} Hooker, Esq^{r}, are by this Assembly chosen and appointed to be Justices of the Peace and Quorum within the said county of Hartford, for the year ensuing;—and Mr. John Moore, Mr. Roger Woolcott, Mr. Joshua Ripley, Mr. Michael Taintor, Mr. Samuell Hale, Capt. Nathanael White, Mr.

Thomas Judd, Mr. James Wells, Captain Thomas Gates, are by this Assembly chosen and appointed Justices of the Peace within the said county of Hartford, for the year ensuing.

John Alling of Newhaven, Esq^{r}, is by this Assembly chosen and appointed to be Judge of the County Court and Court of Probate in the county of Newhaven, for the year ensuing;—and Warham Mather, Esq^{r}, Abraham Bradly, Esq^{r}, Capt. Nathan Andrews, L^{t} Col^{o} Ebenezer Johnson, Capt. Abraham Fowler, Jonathan Law, Esq^{r}, Joseph Treat, Esq^{r}, and Capt. Thomas Yale, are by this Assembly chosen and appointed to be Justices of the Peace and Quorum within the said county of Newhaven for the year ensuing;—and Mr. John Hall, sen^{r}, Capt. Nathanael Harrison, Mr. James Wadsworth, and Mr. Edward Barker, are by this Assembly chosen and appointed Justices of the Peace within the said county of Newhaven, for the year ensuing.

Richard Christophers Esq^{r}, of New London, is by this Assembly chosen and appointed to be Judge of the County Court and Court of Probate in the county of New London, for the year ensuing;—and William Eely, Esq^{r}, Nehemiah Smith, Esq^{r}, Richard Bushnell, Esq^{r}, Ephraim Minor, Esq^{r}, Daniell Taylor, Esq^{r}, Nathanael Chesebrough, Esq^{r}, Jonathan Prentts, Esq^{r}, Nath^{l} Lynde, Esq^{r}, and John Plumb, Esq^{r}, are by this Assembly chosen and appointed to be Justices of the Peace and Quorum, within the said county of New London, for the year ensuing;—and Mr. Samuell Buell, Mr. Joseph Peck, Mr. Jonathan Tracy, Capt. James Morgan, Capt. John Park, Mr. William Holton, Capt. William Clark, Mr. Thomas Williams, and Mr. Robert Chapman, are by this Assembly chosen and appointed Justices of the Peace within the said county of New London, for the year ensuing.

The Honourable Nathan Gold, Esq^{r}, is by this Assembly chosen and appointed to be Judge of the Court of Probate in the county of Fairfield, for the year ensuing.

Peter Burr of Fairfield, Esq^{r}, is by this Assembly chosen and appointed to be Judge of the County Court in the county [144] of Fairfield for the year || ensuing;—and Capt. James Olmstead, Capt. James Judson, Capt. John Sherman, Mr. James Bennit, Capt. John Minor, and Major John Burr, are by this Assembly chosen and appointed to be Justices of the Peace and Quorum within the said county of Fairfield, for the year ensuing;—and Mr. Samuel Hoyt, Capt. Joseph Bishop, Mr. Samuel Peck, Mr. Joshua Knap, Mr. James Beebee, Mr. Elisha Holly, and Mr. Samuel Hanford, are by this Assembly

chosen and appointed Justices of the Peace within the said county of Fairfield, for the year ensuing.

This Assembly grants to the Hon^bl Gurdon Saltonstall, Esq^r, Governour, (besides what was granted to him in October last past,) the sum of fifty pounds money, for his good service in the government the last year past, and until this time.

The Hon^bl the Governour is desired to administer the oath of justice of the peace to the Worshipfull Daniell Wetherell and Josiah Rossetter, Esq^rs, to which office and trust they are respectively now chosen and appointed by this Assembly, if they will please to accept the same.

This Assembly do order and appoint Richard Christophers, Esq^r, Mr. Nathanael Hooker, Mr. John Winston, and Mr. Elisha Holly, to audit the Colonys accompts with the treasurer, sometime before the setting of the General Assembly to be held in October next, and then to lay the true state of the said accompts, as near as may be, before that Assembly.

An Act for appointing Commissioners of Sewers.

Whereas great quantities of meadows and low grounds belonging to sundry persons in several towns, are spoiled by the overflowing of rivers, brooks and waters, occasioned by banks and stopages in their courses, which by industry may be removed, to the benefit and profit of the owners; and also much meadow and pasture land might be gained out of swamps and other rough and unprofitable grounds, by drowning and dreyning the same.

To the intent therefore, that the owners of such lands and meadows may be incouraged and enabled to remove such obstructions as occasion such overflows, and to dam and flow their swamps and other grounds, and thereby bring them to meadow or pasture, that they may be made profitable to them,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That it shall be in the power of the Governour and Council, from time to time, upon request to them made by the major part of the proprietors of any such lands, to grant Commissions of Sewers to such and so many able and discreet persons as to them shall seem meet, for the clearing and removing of the banks and obstructions of the passages of the waters in rivers, brooks or ponds, that occasion the overflows and drowning of meadows and low lands; and also for the damming and flowing of swamps and other unprofitable grounds, and dreyning of them. By which commissions the said commissioners shall be impowred to meet and convene together from time to

time, as occasion may require, to view, consider, consult and contrive, such ways and methods for the clearing and removing the obstructions aforesaid, and for the drowning and dreyning of swamps and other unprofitable grounds, and to imploy work-[145] men and labourers for such reasonable || wages, as may be agreed on for the effecting the premises; and from time to time to assess and tax all such persons as may or shall be owners of such overflowed lands or meadows, or such unprofitable swamps and lands as aforesaid, towards the charge thereof, having regard to each persons quantity of land, and benefits to be received thereby, as equally according to their best judgment as they can; and also to appoint and swear a collector or collectors for the collecting and gathering and paying in the same to such persons as by the said commissioners shall be appointed to receive it, with powers to distrain all such persons as shall neglect or refuse to make payment of his, her or their parts or proportion set and assessed as aforesaid, in such manner as in the Colony rates and taxes by law may be done; and to call before themselves the said collector or collectors to accompt, for his or their betrustment with reference to the premises.

And further be it enacted by the authority aforesaid, That the said commissioners shall be sworn for the faithfull discharge of their trust, and shall receive such salaries out of the said assessment, for their time and expences touching the premises, as the Governour and Council shall appoint, unto whom the said commissioners shall be accountable, when they shall be thereunto required.

And be it further enacted by the authority aforesaid, That in case it shall so happen, that any proprietor of any such lands or meadows to be drowned or dreyned, as aforesaid, shall be unable or otherwise neglect to pay his, her or their part or proportion of the said rates or assessments, it shall and may be lawfull to and for the other proprietors concerned therein, to pay the said assessments and to hold the said lands and meadows so long, until the rates and profits to be received of those lands, may reimburst them; and the commissioners aforesaid shall determine the time how long. Provided always, that it shall be in the liberty of any person agrieved at any proceedure had or made by the said commissioners, or any other, in pursuance of this act, to appeal therefrom unto the Governour and Council for relief.

This Assembly grants to Capt. Joseph Whiting, Treasurer of this Colony, (besides what was granted to him in October last past,) the sum of fifteen pounds money, for his service done as Treasurer the last year past, and until this time.

Capt. Thomas Wells, Mr. Jonathan Belden and Mr. Edward Bulkley, of Wethersfield, as committee, or agents for the inhabitants of the town of Wethersfield, presented a petition to this Assembly, shewing that the said inhabitants are greatly agrieved, and (as they conceive) wronged, by the judgment of the court of assistants held at Newhaven, October 3d, 1710, given upon an action there depending between the said inhabitants, and Mr. Nathanael Hooker of Hartford, (which action was ordered then to be heard, tryed and issued, by a special act or order of this Assembly, of May 11th, 1710,) and praying for some relief. And the said petitioners were now heard at large in their pleas and reasons upon their said petition, and also the said Nath[l] Hooker was heard in his replys and objections against the same. Upon consideration of all which, this Assembly do order and enact, that the aforementioned judgment of the court of assistants of October 3d, 1710, given upon the said action, is, and shall be wholly void and of none effect; [146] || and that there shall be yet one more hearing and tryal of the said action between the said parties, at the court of assistants now in being, and adjourn'd to the 29th day of this instant month of May, for a final issue thereof, without any new summons, citation or process whatsoever. And the parties are hereby ordered to appear and attend at the said court of assistants now in being, upon the said tryal accordingly.

Whereas the Treasurer hath informed this Assembly, that there is now in the hands of several constables within this Colony, a considerable quantity of grain, belonging to the Colony, that was by them received in for the rate or tax granted at the General Assembly held at Newhaven, June 8th, 1709, to be paid by the first day of May then next following: This Assembly do now order and direct the treasurer, to give order to the said constables to sell the said grain for ready money, and to pay to him the said treasurer for and in lieu of the said grain, in money, or bills of credit of this Colony, so much as the said grain shall amount to, at the prices set thereon by the said Assembly at the time of granting the said tax aforementioned.

Upon consideration of the humble petition and request of the selectmen of the town of Windsor, praying that the money arising by law upon the list of estate in their town, for the maintenance of the school in the year 1710, may be paid to them, notwithstanding their neglect of keeping a school there as the law requires: This Assembly do give and grant unto the said town of Windsor, the said money so arising upon their list, for the support of a school there, and do order the treasurer to direct the same to be paid to them accordingly.

It is ordered and enacted by this Assembly, That the Council to assist the Governour, or in his absence the Deputy Governour, in the intervals of this Assembly, shall consist of two of the assistants at the least, and two able, judicious freemen, such as the Governour, or in his absence the Deputy Governour, shall call to Council; who shall have power in the intervals of the General Assembly to manage the affairs of this Colony, according to charter, but not to raise men to send out of the Colony, unless it be in case of exigency, nor to raise money. And this Assembly do order and enact, that Daniell Wetherell, Esq^{r}, shall be admitted to set and assist in Council, in the room and stead of an assistant, as often as the Governour shall call him to set in Council.

An Act against Deserters.

For the better preventing of souldiers or mariners departure from their captains or commanders without leave, or deserting her Majesties service,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That no souldier or mariner retained in her Majesties service, and born in her Majesties pay, in garrison or elsewhere by sea or land, shall depart without lycense of his commander, and desert her Majesties service, on pain of forfeiting to the publick treasury of this Colony, the sum of twenty pounds lawful money, and suffering half a years imprisonment without bail or mainprize. And every assistant and justice of the peace within his precinct, is hereby authorized and required to cause all such deserters, or run-away souldiers or mariners, [147] which || he shall know or be informed of, to be apprehended and secured in order to a tryal, at the next county court to be holden for the same county where he is taken, who are hereby fully impowred to hear and determine the same.

An Act directing how officers shall proceed in Levying Executions, and for repealing the law, title Executions, in page 32, 33.

Be it enacted and ordained by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when any judgment is recovered by the creditor against the debtor, or the debtor hath acknowledged judgment against himself, and execution is taken out for the same, the sheriff, or other officer to whom execution is directed, shall repair to the place of the debtors usual abode (if within his precincts,) and demand the debt due, with necessary charges for transportation, or what else soever; and upon refusal or neglect of payment of the same, the officer

shall levy execution upon any of the personal or moveable estate of the debtor, except necessary apparel, bedding, tools, arms, or implements of his household necessary for upholding his life; and upon such goods also, if they shall be presented by the debtor. And the officer shall forthwith draw an accompt of the particulars of the goods that he shall so seize and take, and set up the same upon the sign post of the town wherein he shall seize the same, with a declaration that the said goods are to be sold at that place, at an outcry, at the end of twenty days after, naming the day of the month. And in case the debtor shall not within the said twenty days, pay his debt, and all costs and charges arisen thereon, the officer shall cause a drum to be beaten at the sign post, to give notice to customers to come, and shall sell the said goods there at an outcry, to the highest bidder; and of the effects thereof, shall pay the debt and charges due to the creditor, and satisfie himself for his own fees and charge, and the overplus, if any be, shall return to the owner thereof.

And it is further enacted by the authority aforesaid, That in case moveable or personal estate of the debtors, sufficient to satisfie the debt and charges, cannot be found, and the creditor shall not agree to accept or take the debtors lands, the officer shall levy the execution upon the body of the debtor, and commit him to the common gaol in the county in which the execution is levyed, where the debtor shall remain, until he shall pay the debt and all charges, with the officers and prison-keepers fees.

And be it further enacted by the authority aforesaid, That all lands and tenements belonging to any person in his own proper right in fee, shall stand charged with the payment of all just debts owing by such person, as well as his personal estate, and shall be lyable to be taken in execution for satisfaction of the same, where the debtor or his attorny shall not expose to view, and tender to the officer personal estate sufficient to answer the sum mentioned in the execution, with the charges. And all executions duly served upon any such houses and lands, being returned into the clerks office of the court, out of which the same issued, and there recorded, shall make a good title to the party for whom they shall be taken, his heirs and assigns for ever.

And further it is enacted by the authority aforesaid, That all executions issuing out of the office of the clerk of the county courts, or superiour courts respectively, shall run into any [148] ‖ county within this Colony, and shall be there executed by the officer or officers to whom they are directed; and that such estate as shall be seized by execution, shall by the officer

be endorsed on the back side of the writ, and the execution returned within sixty days after the date thereof, into the office out of which it was taken, or to the next court, and kept there upon file. And if the officer shall neglect to serve the execution according to warrant, or to make return thereof according to this act as aforesaid, he shall forfeit the sum of five pounds to the publick treasury of this Colony for his default, and also pay and satisfie all damages that shall thereby happen to any person concerned therein.

And it is further enacted by the authority aforesaid, That whensoever execution shall be levyed upon lands, it shall be in the liberty of the creditor to choose one man, and the debtor to choose another, and the officer to choose a third, if need be, to apprize the land; and if either the debtor or creditor shall refuse or neglect to choose such apprizers, the officer shall choose one or more, as there may be occasion, which apprizers shall be sworn to apprize the land according to the value thereof.

And be it further enacted by the authority aforesaid, That the law, title Executions, in page 32 and 33, be repealed, and the same is hereby repealed and made void.

This Assembly do establish and confirm Daniell Bissell of Windsor to be Cornet of the troop in the county of Hartford.

This Assembly, upon consideration of the uncomfortable state and condition of the people of the town of Canterbury, by reason of their divers claims and controversies about their lands in that town, and about their titles to the same, and division thereof, and by reason that several persons there have bought and purchased of the Indians, or others, one and the same parcel in many places, (which lands hath not as yet been duly given and granted unto them by the General Assembly of this Colony;) and this Assembly, being minded and willing to make a quiet, peaceable and just settlement of the said lands, within the bounds of that town, upon and amongst the said people, do order and appoint William Pitkin, Esq^{r}, Mr. John Eliot, Mr. Solomon Tracy, Mr. Samuell Addams, and Mr. Samuel Butt, or any three of them, to be a committee, to advise and assist the said people of Canterbury, in stating, dividing and settling the said land amongst them, and in stating the proportion of a division thereof, and the bounds of each proprietors part. And this Assembly do order, that if upon such tryal made, an agreement cannot be obtained, the said committee shall make a true representation of the whole case, before this Assembly in October or in May next, for the better information of this Assembly, in order to make a peace-

able settlement of the said land, and put an end to those differences; and that the cost and charge of the said committee shall be borne and paid by the said town of Canterbury.

Upon consideration of the petition of the inhabitants of Newtown, this Assembly doth appoint Capt. John Hawley and Mr. Benjamin Sherman of Stratford, and Mr. John Platt of said Newtown, to be a committee, to lay out such divisions of land within the said Newtown, (with the advice of Mr. James Beebee and Mr. Thomas Taylor of Danbury,) as shall be agreed upon by the proprietors thereof. And this Assembly [149] do now grant to the said proprietors || the liberty and priviledge of choosing a constable, a surveyor of highways, a howard or field driver, a town clerk, and fence viewers, within and for the said town of Newtown. And this Assembly do also order, that one alotment of land shall be laid out to each of the said proprietors, in each division in the said Newtown, and that none of the said proprietors shall hold more then one lot in each division, and that the cost and charge of the said committee shall be borne and paid by the said proprietors; and the said committee are ordered to make a return of their doing herein unto the General Assembly in October next.

This Assembly doth grant to the inhabitants of the town of Canterbury, a freedom from paying any country rate or tax in this present year, 1711; provided always, they shall pay and satisfie all such debts as have arisen, or shall arise within this said year, and grow due from this Colony, to any of themselves for any service whatsoever.

It is ordered and enacted by this Assembly, That the committee appointed by the last General Court, to receive of the treasurer all the bills of credit brought into the treasury by the rate in 1709, who (according to their return made to this Assembly,) have now in their hands of the said bills received of the treasurer, the sum of two hundred and six pounds, which are not so torn or defaced, but that they may be emitted again, shall immediately deliver the said two hundred and six pounds in the said bills to the treasurer, (taking his receipt of them,) to be by him emitted in the payment of publick debts.*

This Assembly desires the Hon^bl the Governour, with the assistance of John Hamlin, Richard Christophers, and Samuel Eells, Esq^rs, to treat with the Hon^bl Governour Cranston, and the gentlemen appointed to assist him, in the matter herein referred to, and agree with them about a Guard Sloop

* *In the margin.* This is revoked by assent of both Houses of the Assembly.

for the safeguard of our coasters. And the said John Hamlin, Richard Christophers, and Samuel Eells, Esq^{rs}, or any two of them, are appointed a committee to assist, act, and do, with the advice of the Governour, what they shall think most expedient in this juncture, to procure a guard sloop or two, to secure our coasters this summer, (in conjunction with Rhoad Island,) and also to agree on some proper methods to attain the same end for the time to come; and in the first place to go to Rhoad Island, and come to an agreement with the Hon^{bl} Governour Cranston and the committee of that government, about settling and proportioning the charge that shall arise thereupon. But if it should so happen that no suitable vessel can be got there or here, and fitted for that design, then they are hereby impowred as above, to go forthwith to Boston and endeavour the assistance of the guard sloop belonging to that Province, for this summer, upon such terms as they, in conjunction as abovesaid, can agree with the gentlemen of that government. But if all the abovesaid proposals should fail, then the said committee are hereby impowred, in conjunction as above, to hire or buy a suitable vessel at Boston, and fit her out every way compleat for the said design, and hire men to [150] convey her safe into these || governments, as soon as may be. And the Hon^{bl} the Governour is hereby desired to supply, by impressing if need be, such sloop or sloops, with a sufficient number of officers and men, according to such proportion as shall be agreed to for the part of this Colony, by his Honour and the committee aforesaid, and to grant to such officers all such commissions as shall be necessary to the service proposed.

Whereas Mr. Simeon Stoddard of Boston, and others, lay claim to a great part of the lands at Ashford, which were by this Assembly lately granted or ordered to be a plantation; and forasmuch as unless the claim and pretensions of said persons be adjusted, compounded, or removed, the peaceable settlement of said plantation may be prevented or obstructed: This Assembly therefore desire his Honour, our Governour, with the advice of the committee appointed by this Assembly to survey the said town of Ashford, to take the said plantation or town into his care, and to appoint and instruct suitable persons to treat with the said claimers, to adjust and compound with such as have any differences or claims thereupon, so far as may be consistent with the honour and interest of this government and the right of particular persons, that so the settlement of said plantation may proceed, and be advanced

and promoted, and make report to this Assembly of their doings in that affair.

This Assembly grants to Capt. John Sherman, Speaker of the Lower House, at this session, thirty shillings, as money, for his service therein; which was now paid to him out of the money received for petitions.

This Assembly grants to Capt. Richard Bushnell, Clerk of the Lower House, at this session, twenty five shillings, as money, for his service therein; which was now paid to him out of the money received for petitions.

This Assembly grants to Richard Seamore, constable of Hartford, for eighteen days service in attending this Assembly and the court of assistants in this month, the sum of thirty six shillings, as money.

This Assembly grants to Nicholas Olmstead, constable of Hartford, for six days service in attending upon this Assembly and the court of assistants holden in this month, the sum of twelve shillings, as money.

Mr. Ebenezer Prout, now residing at Wethersfield, is by this Assembly allowed to practice physick and surgery, within this Colony.

This Assembly, having considered the votes and evidences relating to the settlement of the Reverend Mr. John Davenport in the ministry at Stamford and his subsistence therein, do thereupon declare their opinion, that the agreement made with him, or the sum thereby engaged to be paid him, shall be paid in such species and prizes, and at such proportions, as the said town were wont or agreed to pay their former minister, the Rev^{d} Mr. Bishop, deceased, until the said Mr. Davenport and the said town shall come to a new agreement; and do order that the Secretary shall transmit a copy of this resolve to one of the justices of the peace in the said town, to be published there, for the direction of such as shall be appointed to collect his salary, who shall collect and gather the same at the said prizes, species, and proportions.

An Act for emitting Bills of Credit, for paying the Publick Debts of this Colony.

[151] *It is ordered and enacted by the Governour, Council and Representatives,* || *in General Court assembled, and by the authority of the same,* That there be forthwith emitted a certain number of bills of credit on this Colony, in suitable sums from two shillings to five pounds, which in the whole shall amount to the sum of four thousand pounds, and no more; which bills shall be printed, indented, and stamped, with such

stamps as the Governour and Council shall direct, and of the same tenour and date with the bills last emitted, and signed by the same committee, under oath, as the bills of credit were emitted by the order (or act) of the General Assembly of this Colony, held at New Haven, June the 8th, 1709. And the said committee are hereby ordered and impowered to deliver the said bills, to the value of four thousand pounds, to the treasurer of this Colony, taking his receipt for them.

And be it further enacted by the authority aforesaid, That the treasurer be, and hereby is ordered and impowered to issue forth and emit the said bills towards payment of the publick debts of the Colony already contracted, and the further necessary charge thereof, according to such order as shall from time to time be given according to law. And the said bills shall pass out of the treasury at the value therein expressed, equivalent to money, and shall be taken and accepted in all publick payments, at the advance of twelve pence on the pound more.

And be it further enacted by the authority aforesaid, That as a fund and security for the repayment, and drawing in of the said bills to the treasury again, and for defraying any further charge of the Colony, this Assembly grants a tax or rate of four thousand and five hundred pounds, to be levyed on polls, and all the rateable estate within this Colony, and to be paid into the treasury at or before the last day of May, which shall be in the year 1720; which said rate shall be paid in the bills of credit of this Colony, or in money as it passeth generally current in the country, at the time of payment, and in no other manner.

It is ordered and enacted by this Assembly, That the treasurer shall forthwith pay unto the members of this Assembly, and the officers attending thereupon, the fees allowed to them respectively by law, and the grants of this Assembly at this time, upon their demand.

Upon consideration of the petition of sundry of the inhabitants of the town of Glassenbury, praying that they may have a highway laid out through their town, pursuant, and according to the grant from this Assembly, holden at Hartford, May 12th, 1670: This Assembly now orders and appoints Major Joseph Tallcot, Capt. Aaron Cook, and Lt. Nathaniel Hooker, a committee to survey and lay out the said way through the said town, from Hartford to Midletown, and make return thereof to this Court in October next, that it may be established and recorded.

This Assembly not agreeing to answer or grant the petition of the town of Farmington, relating to the controversy between them and the town of Wethersfield, about their bounds or divident line, do adjudge the said town of Farmington to pay to the said town of Wethersfield their cost of attending upon the said petition, which is allowed to be thirty and eight shillings in currant money.

[152] Whereas William Pitkin, Esq^{r}, who was by this Assembly appointed to be Judge of the County Court and Court of Probate in the county of Hartford, and Peter Burr, Esq^{r}, who also was appointed to be Judge of the County Court in the county of Fairfield, are since appointed to be Judges of the Superiour Court, now established: This Assembly do therefore appoint John Chester, Esq^{r}, to be Judge of the County Court and Court of Probate in the county of Hartford, and Joseph Curtis, Esq^{r}, to be Judge of the County Court in the county of Fairfield, for the year ensuing.

Upon consideration of the petition of the West Division farmers in the town of Hartford, presented to this Assembly in October last and referred to this time, and of the report of the committee then appointed to consider their case, which was now laid before this Assembly, and also of the objections made against the said petition by the said town of Hartford: This Assembly do now grant to the said farmers the liberty and priviledge of being one intire parish and society, by and of themselves, within the said town of Hartford, for the settling, upholding, and maintaining of the publick worship of God amongst them, with all such liberties, powers, and priviledges as other societies and congregations in this Colony generally have and do enjoy by law; and that the bounds of the said parish, or society, shall be the town of Windzor on the north, the town of Farmington on the west, the town of Wethersfield on the south, and the east ends of the said West Division lots on the east. Provided always, that no person who is owner of any lands within the said bounds, and doth not dwell there, shall or may be taxed or rated for his said lands, for or towards defraying the charge of the said society.

Upon the application of Mr. Samuel Howard of Hartford, it is resolved by this Assembly, that no execution shall be issued forth against the said Howard upon the judgment obtained against him by Daniel Dickinson of the said town, upon an action late depending between them at the court of assistants, holden at Hartford in this month, until after the General Assembly, holden at New Haven in October next; that the said Howard may have liberty (at the said Assembly

then to be holden) to make his objections against the said judgment.

This Assembly do free and release the inhabitants of the town of Hebron from paying any rates or taxes to this Colony for the year 1711, excepting only three pence upon the pound.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the Governour and Council shall have power to make and come to an agreement with his Excellency Governour Dudley and the Council of the Province of the Massachuset Bay, or such as shall by them be appointed, for the quieting and preventing all controversies that may arise upon the frontiers adjoyning to the dividend line between this Colony and that Province, till the said line shall be determined and fixed.

It is agreed by both Houses of this Assembly, that all judges and justices of the peace shall be annually chosen and commissioned.

[153] An Act providing in case of Sickness.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That for the better preventing the spreading of infection, when it shall happen, any person or persons coming from abroad, or belonging to any town or place within this Colony to be visited, or that late before have been visited with the small pox, or other contagious sickness, the infection whereof may probably be communicated to others; the selectmen of such town be, and hereby are impowered to take care, and make effectual provision in the best manner they can for the preservation of the inhabitants, by removing and placing such sick or infected person or persons to and in a separate house, or houses, and by providing of nurses, tendance, and other assistance, and necessaries for them, at the charge of the parties themselves, their parents, or masters, (if able,) or otherwise at the charge of the town or place whereto they belong. And in case it happen, any person or persons to be visited with sickness in any other town or place than that whereunto they belong, and thereby occasion a charge to such town, the selectmen shall lay the account thereof before the county court of that county where such town lies, to which such person or persons belong, and the said county court having adjusted the accompt of such charge, and allowed so much thereof as they shall judge reasonable, shall order payment thereof to be made

by the treasurer of such town, or in want of such treasurer, by the selectmen of the same, when the said court shall judge that the persons themselves, their parents, or masters, are not able to make such payment. And when it shall happen such indigent persons not to be inhabitants, or belonging to any town or place within this Colony, and the proper charge thereof, in case they need relief, then the charge of their sickness shall be defrayed out of the publick treasury of the Colony, by warrant from the Governour, with the advise and consent of the Council.

And be it further enacted by the authority aforesaid, That if need so require, any two justices of the peace may make out a warrant directed to the sheriff of the county, or his deputy, or constables of the town or place where any such sick person or persons shall be, requiring them, or any of them, in her Majesties name, with the advise and direction of the selectmen of the same, to impress and take up convenient housing, lodging, nurses, tendance, and other necessaries, for the accommodation of the sick.

Be it also further enacted by the authority aforesaid, That if any person or persons, seamen or passengers, belonging to, or transported in any ship or vessel arriving to any port or harbour within this Colony, happen to be visited with the small pox, or other contagious sickness, during the voyage, or to come from any place where such sickness prevails and is common, any justice of the peace within the county, to whom the notice or information thereof shall be given, shall forthwith take care to prevent and restrain all persons belonging to, or transported in such ship or vessel, from coming on shoar, and if any be before on shoar, to send them on board again; as also to restrain persons from going on board such ship or vessel; and to that end may make out a warrant directed to the sheriff [154] of the county, or his deputy, or constables || of the same town, or in want of such officers, or any other special reason, to some other suitable person, who is accordingly required and impowered to execute the same. And such justice is forthwith to transmit the intelligence thereof to the Governour, or Commander in Chief for the time being, who is hereby impowered, with the advise and consent of the Council, to take such further order therein as they shall think fit, for preventing the spreading of such infection.

And be it further enacted by the authority aforesaid, That if any person whatsoever shall willingly transgress against any rule or method made by this act, or provided by virtue thereof, to prevent the spreading of such diseases, whether by refusing to nurse or tend such sick persons, or by resorting to

any such sick persons, or the places where they are, or shall (without license first had from a justice of the peace or selectmen of such town,) come on shoar from such ship or vessel as aforesaid, or being appointed to tend or be with such sick persons, shall leave or go abroad from the houses where such sick persons are kept, and go into any other house or company, every such person shall incur such fine or penalty, to the county treasury of the county where any such offence shall be committed, as the county court of the said county shall judge meet, not exceeding the sum of five pounds.

An Act relating to Slaves, and such in particular as shall happen to become Servants for Time.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all slaves set at liberty by their owners, and all negro, malatto, or Spanish Indians, who are servants to masters for time, in case they come to want, after they shall be so set at liberty, or the time of their said service be expired, shall be relieved by such owners or masters respectively, their heirs, executors, or administrators; and upon their, or either of their refusal so to do, the said slaves and servants shall be relieved by the selectmen of the towns to which they belong, and the said selectmen shall recover of the said owners or masters, their heirs, executors, or administrators, all the charge and cost they were at for such relief, in the usual manner as in the case of any other debts.

An Act for the more effectual Detection and Punishment of Delinquents.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That any person who shall be required to give his evidence upon tryal against any delinquent, or criminal, or offender against any penal law, and shall refuse to make oath to answer to such questions in such case as shall be put to him by any court, assistant, or justice of the peace holding such tryal, shall be by such court, assistant, or justice, committed to goal, and there remain at his own cost and charge until he shall give evidence as aforesaid. Provided always, that such evidence shall at no time be construed to his prejudice.

[155] An Act to prevent Disorders in Pleading.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whosoever shall transgress against the rules

of pleading, appointed by any court, shall be lyable to such fine for every offence as the said court shall impose upon him, provided it exceed not the sum of five shillings.

An Act in addition to the law, title Common Fields and Fences.

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the proprietors of each common field shall annually meet together on the first Monday in March, (or such other day as they shall appoint,) at the usual place of the town meeting in such towns, (or such other place as they shall appoint,) where such common fields do lye, to order the affairs of the said field, both with respect to the fencing and improving of the said fields; and the said proprietors, who shall be so assembled, shall have full power, by their major vote, to order all such affairs as they shall see meet.

To prevent the difficulties that frequently do arise, by reason that owners of fences in the lines of common fields keep not up stakes with the two first letters of their names on them, to distingush their respective parts of the common fence, as has been usual,

It is ordered and enacted by the authority aforesaid, That for the future, every person, who shall neglect more than two days, after notice given by either of the fence viewers, to set up stakes and marks as aforesaid, shall forfeit for every such neglect, two shillings and six pence, to be collected and paid to the proprietors of such common fields, or their order.

And it is further enacted by the authority aforesaid, That whatsoever person shall withstand, obstruct, break, or not duly attend any act, order, or agreement of the major part of the proprietors of any common field, assembled as above, for the bettering and improvement of the said field, or regulation thereof, shall pay a fine of ten shillings for every such offence, to be recovered by a warrant of distraint from any assistant, or justice of the peace, before whom sufficient proof of such offence is made, and to be paid to the proprietors of such common field, or their order, and to be laid out by them to the best advantage of such improvement, as is abovementioned.

An Act for the more effectual Detecting and Punishing Secret Assaults.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That if any person shall secretly assault, beat, maim, or hurt another, the person so assaulted and injured making

application and complaint to the next assistant or justice of the peace, shewing him what hurts or wounds he has received thereby, such assistant or justice of the peace shall forthwith grant out a writ to the sheriff of the county, or constable of the town, where such assault shall be made, or either of their deputies, commanding them, or either of them, to arrest and bring before him such person so assaulting; who upon oath made against him, of the assault, by the person assaulted and beaten, and the wounds or bruises thereby received, shall be [156] || bound in a sufficient bond, with good and sufficient sureties, for his appearance at the next county court to be holden in the county aforesaid, to answer the complaint aforesaid; and in case the said person so assaulting shall refuse to give such bond, then he shall be committed to the goal of the said county by the said assistant or justice, until the next sessions of the said court.

It is also further enacted, That if the said person so bound or committed shall not satisfie the said court that he was at some other place at the time of the said assault made, and was not the person who gave it, he shall be adjudged by the said court to pay to the said assaulted and injured person all such damages as he shall have sustained by such assault and beating, to be awarded by the said court, or give bond, (in case the said damages cannot be computed at the said sessions of said court,) with sufficient surety or sureties, to pay all such damages as shall afterwards be awarded by said court, together with the costs of his prosecution, and also to pay to the treasury of the said county such fine as the said court shall order, provided it exceed not the sum of twenty pounds, and to stand committed till he has performed such sentence.

An Act in addition to the Act to prevent Night Walking.

Whereas great disorders and insolencies are committed in the night by disorderly persons, to the disquiet and hurt of her Majesties subjects: For prevention whereof,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when and so often as any disorders and damages are done in the night season, that upon complaint speedily made thereof to any court, assistant, or justice, they are hereby impowered to issue forth writs, for the bringing before him or them any suspected person or persons, and to examine him or them concerning such disorders or insolencies committed; and if such suspected person or persons, upon examination, cannot give a satisfactory account to the authority before whom he or they are examined, where he or they were when

the disorders or insolencies complained of were committed or done, and that he or they had no hand in such disorders, he or they shall be lyable to pay such damages as the person or persons complaining shall have sustained or suffered, and such other fine or punishment as the court, assistant, or justice, before whom the complaint is made, shall see cause to order, not exceeding the sum of five pounds.

An Act for the better Regulation of the Payments to be made out of the Treasury, for any service done for the Colony.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when any person is impressed, or has anything impressed from him, for the service of the Colony, or is called to any service in the same, he shall, within the space of ten days next after the service done or thing impressed from him, [157] apply || himself to the authority by whose warrant such impressment was made, or to the officer who impresses such thing, for a certificate under his hand, (who are hereby required, upon such application, forthwith to grant such certificate,) signifying the service so done, the time spent in such service, and the true value, as near as may be, of whatsoever was impressed from such person as aforesaid; and no person for the time to come shall be allowed any bill upon the treasurer, for any service done, or for any thing impressed from him for the publick service as aforesaid, without producing such certificate obtained, within the limitation above prescribed.

An Act for stating the Wages, and for the more speedy and carefull Payment of Officers and Soldiers in her Majesties service, and defraying other charges arising by the same.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all captains, or other officers, commanded to list or impress soldiers for her Majesties service, shall, together with the said soldiers so impressed, transmit an account in writing under his hand, to the major, or if no major, to the next superior officer of the regiment to which they belong, of all arms, or other things impressed, or taken up for each of the said soldiers, with the time when they were listed, and the name of their masters, if they be servants, or their parents, if they be under age; with the name of the owner of arms impressed from him, and town to which such owner belongs. And whosoever shall deliver to any under officer or soldier any

clothing or other things, without order from his captain, or chief commanding officer of the company to which he belongs, shall not be allowed for the same out of the treasury, or have it charged to the account of such soldier.

And it is further enacted, That such major, or in his absence, the next superiour officer as aforesaid, shall cause a compleat roll of all soldiers so detached and transmitted as aforesaid, to be given to the captain or commanding officer under whom they shall serve, which roll shall express such soldiers name, the town he belongs to, his masters name, if he be a servant, his fathers name, if he be under age, time when listed or entred in the service, arms impressed for him, with the name of the owner of such arms, and the town where he lives, and what he has received upon his wages. And every captain, or commanding officer of any company, shall cause a compleat muster roll of all under officers and soldiers under his command, containing all the particulars beforementioned in distinct columns, adding thereto in so many more distinct columns, their quality, the time of their discharge from the said service, the whole time of their continuance therein, the whole wages for such time, and the ballance due to him.* Which muster roll, signed by the said captain or chief officer of the said company, shall be delivered to the Governour, or in his absence to the Deputy Governour, as soon as the said captain, or such chief officer, shall receive such company; and shall also transmit the like roll of his company at the end [158] of three months, from time to time, || to the Governour, or in his absence to the Deputy Governour.

And it is further enacted, That all officers and soldiers finding themselves arms and other accoutrements, for the time that they are in such service as aforesaid, shall be allowed out of the publick treasury, the wages hereafter mentioned, in money, that is to say,—

	l.	*s.*	*d.*
To a Captain, per the week, - - -	1	4	6
To a Lieutenant, - - - -	0	19	3
To a Serjeant, - - - - -	0	12	0
To a Clerk, - - - - -	0	10	0
To a Drummer, - - - - -	0	10	0
To a Trumpeter, - - - -	0	10	0
To a Corporal, - - - - -	0	9	6
To a Centinel, - - - - -	0	9	0

And it is also further enacted, That there shall be allowed out of the treasury, three shillings and eight pence per week,

* In the original bill, here follows the form of the Muster Roll.

(and pro rato for more or less time,) for the billetting of each soldier, and four pence per meal for single meals, for one night, or day, and four pence per the night, and one shilling per the week, for keeping each soldiers horse.

And it is further enacted, That whatsoever soldier shall presume to spoil, sell, convey away, or imbezel, any arms, or ammunition delivered to him, shall forfeit double the value of the arms and ammunition so imbezelled, (to be deducted out of his wages so far as it can,) and such other corporal punishment, according to the degree of the crime so committed, as any court or person that has cognizance thereof shall judge meet. And if any person or persons whatsoever shall buy, or take in pledge, any arms, ammunition, or other accoutrements of any English, or Indians, retained in her Majesties service, such person or persons shall be fined to the publick treasury, treble the value of the arms, &c., so bought or taken to pledge, to be recovered by bill, plaint, or information, in any court of record within this Colony; and all such arms and other accoutrements, or their full value, shall be returned to the owner of them.

And it is further enacted, That every owner of a horse improved by any soldier in the service aforesaid, shall be allowed for such horse sixteen pence per week, and no more, except for horses improved upon a sudden exigence, who shall for such horses be allowed four shillings per week for the first week, and sixteen pence for every week ensuing.

An Act for establishing Superiour Courts, and altering the times of holding the County or Inferior Courts, in the several Counties of this Colony.

Whereas it has been found in many respects very inexpedient and chargeable to have but two places, as well as but two terms annually for holding the superiour courts of common pleas, commonly called the Court of Assistants: For the prevention of which,

Be it enacted and ordained by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there shall be a Superiour Court of Judicature [159] || over this Colony, to be held and kept annually, at the respective times and places in this act hereafter mentioned, by one chief judge and four other judges, any three of whom to be a quorum; who shall have cognizance of all pleas, real, personal, or mixt, as well all pleas of the crown, and all matters relating to the conservation of the peace and punishment of offenders, as civil causes, or actions between party and party, and between her Majestie and any of her subjects, whether

the same do concern the realty, and relate to any right of freehold and inheritance, or whether the same do concern the personalty, and relate to matter of debt, contract, damage, or personal injury ; and also all mixt actions which concern both realty and personalty brought before them by appeal, review, writ of error, or otherwise, as the law directs; [and generally of all other matters, as fully and amply to all intents and purposes whatsoever,] as the court of assistants in this Colony heretofore might or could have; and are hereby impowered to give judgment therein, and award execution thereon.

And it is further enacted by the authority aforesaid, That the times and places for the holding and keeping the said superiour courts of judicature shall be as followeth, that is to say, within and for the county of Fairfield, at Fairfield on the first Tuesdays in March and September; within and for the county of New Haven, at New Haven on the second Tuesdays in March and September; within and for the county of Hartford, at Hartford on the third Tuesdays in March and September; within and for the county of New London, at New London on the fourth Tuesdays in March and September.

And it is further enacted by the authority aforesaid, That all actions now depending in the late court of assistants by review, or in any of the late county courts by appeal, or which may be depending in any such county courts before the last day of June next, shall be heard and determined in the next superiour court, which, according to this act, shall be held in the county where such actions had their original and first process. And all acts, or clauses of any act, or acts, heretofore passed for the establishing two courts of assistants to be held annually in the towns of Hartford and Newhaven, are hereby repealed.

And it is further enacted by the authority aforesaid, That the chief judge for holding the said superiour courts shall be allowed out of the publick treasury, while actually on that service in the circuit, ten shillings per diem; and that the inferiour judges of the said court shall be allowed the fees by law payable by the contesting party, to the bench, in the late court of assistants.

And it is further enacted by the authority aforesaid, That the county, or inferior courts within this Colony, shall be holden annually at the times and places hereafter mentioned, viz: The county or inferior court within and for the county of Hartford, shall be holden at Hartford, on the second Tuesday in April and third Tuesday in November; the county or inferiour court for the county of Newhaven, shall be holden at Newhaven, on the first Tuesday in April and second Tuesday in

[160] November; the county or inferior || court within and for the county of New London, shall be holden at New London, on the first Tuesday in June and on the fourth Tuesday in November; the county or inferior court within and for the county of Fairfield, shall be holden at Fairfield, on the third Tuesday in April and on the first Tuesday in November. And all acts, or clauses in any acts, providing for the holding of inferiour courts, at any other times, or in any other places than those expressed in this act, shall, after the last day of June next, be of no force, and are hereby, from and after the said last day of June next, declared to be repealed.

And it is hereby further enacted by the authority aforesaid, That all causes or actions now depending by review in any of the county courts within this Colony, or which may be so depending before the last day of June next, shall be heard and tryed at the next inferior court to be holden in such county, by virtue of this act; and all such reviews and recognizances thereupon given, and all other actions whatsoever, and bonds upon them given, are hereby continued unto, and shall be heard and determined by the said inferior court, as they might or could be heard and determined by the succeeding county court in such county, if this act had not been made.

And be it further enacted by the authority aforesaid, That in convenient time before the sitting of the superior courts in this Colony, the clerk of said court shall issue out warrants directed to the constables of the several towns within the county, to warn so many good and lawful men of said town as the warrant directs, to serve as jurors at said court; and the constable shall make timely return of his warrant unto the clerk that granted the same, on pain that every constable failing of his duty therein, shall forfeit and pay unto the county treasurer, for the use of the county, a fine not exceeding forty shillings, at the discretion of the judges of said court, unless such constable failing of his duty as aforesaid, shall seasonably make a reasonable excuse unto the judges of said court for his default, and the same be allowed of by them. And if by reason of challenge, or otherwise, there do not appear a sufficient number of good and lawful men to make up the petty jury or juries to serve at the said court, then and in such case the said jury or juries shall be filled up de testibus* circumstantibus, to be returned by the sheriff; and where the sheriff is concerned or related to either of the parties in any case, to be returned by the constable.

* So recorded, but the original bill correctly read talibus.

And be it further enacted by the authority aforesaid, That the judges of the superior court shall have full power to appoint and swear a clerk for the said court. And all juries and witnesses are to attend the first day of the sitting of said Court.

And this Assembly do desire, nominate and appoint the Hon^bl the Governour, or in his absence the Deputy Governour, to be Chief Judge of the said Superiour Court, and William Pitkin, Esq^r, Richard Christophers, Esq^r, Peter Burr, Esq^r, and Samuel Eells, Esq^r, to be Judges also of the said court, and to assist the chief judge in holding of the same for the year ensuing.

And it is ordered and enacted by this Assembly, That in case of the absence of the Governour and Deputy Governour from the said court, the said Peter Burr, Esq^r, shall be Chief Judge thereof for the year ensuing.

[161] An Act against Counterfeiting the Bills of Credit.

Be it declared and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whosoever shall presume to forge, counterfeit, or utter, any bill or bills (knowing the same to be false and counterfeit,) of the tenour, or in imitation of any of the bills of credit of this Colony, or of the bills of credit of the Provinces of the Massachusets Bay, New Hampshire, New York, Rhode Island, and the New Jersies, that now are or hereafter shall be by the law established either in this Colony, or either of the aforesaid Provinces, or that shall counsel, advise, procure, or any ways assist in the forging, counterfeiting, imprinting, stamping, or signing of any such false bills, or engrave any plate, or make any other instrument to be used for that purpose, every person, or persons so offending, being thereof convicted before any of the superior courts in this Colony, shall suffer six months imprisonment, and such other fine, penalty, or corporal punishment as the said court (respect being had to the degrees of such crime,) shall judge meet, or inflict; the said fine to be to the publick treasury of this Colony.

And be it further enacted by the authority aforesaid, That whosoever shall make discovery and give information of such vile, wicked practice of making, or knowingly putting off any false and counterfeit bills, so that the person or persons guilty thereof be tendered to justice and convicted, every such informer shall have and receive as a reward for his good service therein the sum of twenty pounds, to be ordered out of the publick treasury, and to be repayed into the treasury out of

the offenders goods or estate, so far as that will extend, by order of the court where the conviction shall be.

And be it further enacted by the authority aforesaid, That every person convicted of altering or increasing the sum of figures set and expressed in any of the aforesaid bills of credit, or of forging or counterfeiting any name, hand, stamp, or other private mark, that are or may hereafter be ordered to be made or set thereon, shall be punished for either of the offences aforesaid, in the same manner as is provided by law for the punishment of forgery, and be further sentenced by the court, before whom the conviction is, to pay treble damages to the parties injured thereby.

And it is further enacted by the authority aforesaid, That the last paragraph of an act made May 11th, 1710, intituled An Act for better regulating and giving a more effectual currency to the Bills of Publick Credit, (which paragraph respects the punishment of such as counterfeit the bills of credit on this Colony,) be repealed, and it is hereby repealed accordingly.

An Act providing for Commissions to be granted to the Judges of the County Courts and Justices of the Peace.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the judges of each county court, and justices of the peace, (being first elected by the major vote of the General Assembly,) shall be constituted by a commission, signed by the Governour for the time being, and sealed with the seal of this Colony; which commission shall remain in force till it shall be called in or superseded by an act of the General Assembly.

[162] *It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same*, That the late printed laws now in force shall be reprinted, with all other laws now in force in this Colony, that so the whole body of laws in force may be in one volume; and that there be an alphabetical table of the laws imprinted and put into the said law book.

And further it is enacted by the authority aforesaid, That the said law books shall be distributed by Richard Christophers, Esq^{r}, and Mr. John Plomb, and sent into the several towns in this Colony, according to proportion by the general list of persons and estates, to be distributed to the several inhabitants as they shall see cause, excepting one law book for each town and society, which shall be for their publick use, and one law book to each clerk of every court, for the use of the said court.

And it is further enacted by the authority aforesaid, That there shall be of the said laws to be printed by this act, ten copies taken off, for every thousand pound in the lists of estates, last taken and entred in the records of the Assembly, and that the dates of the several laws be set in the margins of them.

And forasmuch as it is of great consequence that the printing of the laws aforesaid according to this act, be very exactly and carefully done: It is ordered and enacted, that the said Richard Christophers, Esq^{r}, and Mr. John Plumb, with the advice of the Governour, shall be a committee to put the proper notes in the margin of the prints, and to revise the press.

The whole record of the several acts, grants, and orders of this Assembly, as they stand entred in the pages of this book next preceding, were read in the presence of both Houses, and ordered to be signed by the Secretary as perfect and compleat.

Test. Caleb Stanly, Secretary.

May 31st, 1711. This Assembly was adjourn'd until the Governour, or Deputy Governour, shall see cause to call them to meet again.

At a meeting of the Governour and Council in New London, June 10th, 1711.

Present,

The Governour.

Assistants. { John Hamlin, Rich^{d} Christophers, John Haines, Caleb Stanly, } Esq^{rs}.

Upon the Governours receipt of a letter of June 8, 1711, from Gen^{ll} Nicholson at Boston, covering her Majesties order relating to our $\frac{\text{part}}{\text{quota}}$ in the expedition her Majesty has appointed against Canada: Ordered, that an Assembly be called at New London, to meet on Tuesday the nineteenth instant, at 2 of the clock afternoon.

At a Meeting of the Governour and Council in New London, June 14th, 1711.

Present,

The Governours Honour.

Daniel Wethrel, Esq^r^.
Richard Christophers, Esq^r^, *Assistant.*
Jonathan Prentts, } *Justices.*
John Plumbe, }

Whereas there will be present occasion for a considerable quantity of bills of credit, for the fitting out our quota in the intended expedition to Canada, which was not known at the last General Court, and therefore they could not provide for it, and whereas we cant have the use of the press for making of bills for a considerable time unless we make use of it now: therefore it is ordered, that there be the value of six thousand pound in bills of credit taken off the press and secured for the order of the General Assembly, which is to meet on Tuesday next.

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[163] *CONNECTICUT COLONY.*

At a General Assembly called by special order of the Honourable the Governour and Council, and holden at New London, on Tuesday the 19th day of June, in the tenth year of the reign of our sovereign Lady Anne, Queen of Great Brittain, &c. Annoque Dom. 1711, and continued by several adjournments to the 25th day of the same month.*

Present at this Assembly were,

The Honourable Gurdon Saltonstall, Esq^r^, Governour.

Assistants,

John Hamlin, Esq^r^,
William Pitkin, Esq^r^,
Joseph Curtis, Esq^r^,
Peter Burr, Esq^r^,
Richard Christophers, Esq^r^,
John Hains, Esq^r^,
Samuel Eells, Esq^r^,
Mathew Allyn, Esq^r^,
Joseph Tallcot, Esq^r^,

Deputies or Representatives that were present and attended at this Assembly were as hereafter followeth: that is to say,—

Mr. Nathanael Hooker, for Hartford.
Mr. Samuel Bishop, Mr. Nathanael Yale, for Newhaven.

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* The Journal of the Upper House and the Waste Book of the Assembly at this session are preserved. The Journal of the Lower House is not found.

Mr. William Douglas, Mr. James Rogers, for New London.
Majr John Burr, Capt. Joseph Wakeman, for Fairfield.
Mr. Roger Woolcot, for Windsor.
Capt. Robert Wells, Capt. James Steele, for Wethersfield.
Capt. Thomas Hart, Mr. John Stanly, for Farmington.
Mr. William Ward, for Middletown.
Mr. Samuel Hale, Mr. Tho. Kimberly, for Glassenbury.
Capt. John Higley, for Symsbury.
Mr. James Wells, Capt. Tho. Gates, for Haddam.
Mr. Joshua Ripley, Mr. John Backus, for Windham.
Mr. Michael Tainter, Mr. Joseph Wright, for Colchester.
Mr. Joseph Peck, Mr. Zachariah Baldwin, for Milford.
Capt. Nathl Harrison, for Branford.
Mr. Andrew Ward, Mr. John Collins, for Guilford.
Capt. Robert Denison, Mr. Ephraim Minor, for Stonington.
Majr John Clark, Mr. Robert Chapman, for Saybrook.
Mr. Thomas Williams, for Plainfield.
Mr. John Hall, for Wallingford.
Capt. James Avery, Mr. John Morgan, junr, for Groton.
Capt. John Parks, Mr. Daniel Brewster, for Preston.
Mr. Samuel Hawley, for Stratford.
Lt Colo Ebenezer Johnson, for Derby.
Capt. Richard Bushnell, Mr. Solomon Tracy, for Norwich.
Mr. Ebenezer Mead, for Greenwich.
Mr. Timothy Stanly, Mr. John Hopkins, for Waterbury.
Mr. John Ambler, for Stamford.
Mr. William Holton, Mr. John Sprague, for Lebanon.
Capt. William Eely, Mr. Reynold Marvin, for Lyme.
Mr. John Griswold, Capt. John Crane, for Killingworth.
Mr. John Sherman, Mr. Benja Hinman, for Woodberry.
Mr. John Betts, for Norwalk.
Mr. James Wadsworth, for Durham.

[164] Capt. John Sherman, Speaker, } of the House of Rep-
Capt. Richard Bushnell, Clerk, } resentatives.

By order of the Honourable the Governour, the gentlemen members of both Houses being met together, his Honour laid before them a letter which he had lately received from her Majesty, requiring some assistance of this Colony in an expedition against the French enemy in North America; also a letter from the Honourable Colo Francis Nicholson relating to the same, which was the occasion of his Honours calling together this Assembly at this time; and recommended the consideration of them to this Assembly. Also the Honourable the Governour laid before this Assembly her Majesties instructions, relating to the said expedition.

And thereupon it was resolved that an Address to her Majesty be forthwith prepared, to acknowledge her royal care, and tender regard to this her Majesties Colony, with those adjoyning, in the said expedition she has now ordered for the reduction of Canada. And an address was accordingly drawn, and read in both Houses, and allowed and approved to be sent and presented to her Majesty, which is in the words following, viz.

To the Queens most Excellent Majesty,
The humble Address of the Governour and Company of your Majesties Colony of Connecticut,
May it please your Majesty,

We, your Majesties most dutiful and loyal subjects, conveen'd in General Assembly, having received your Majesties command by the Hon^{bl} Col^{o} Francis Nicholson, to be aiding in carrying on the expedition your Majestie has ordered against the French inhabiting North America, esteem it our duty in the most humble and thankful manner, to acknowledge the great instance, which, in appointing that expedition, your Majestie has given us of your royal concern for the safety and weal of your Colonys against that enemy.

Their lying in wait to kill and scalp single persons on our frontiers, their surprizing and cutting off families, their stealing of captives, torturing and making slaves of them, and such like murders and cruelties, is what they call carrying on the war. All which is frequently done by their skulking parties, (in conjunction with the Indians in their interest, whose bloody and barbarous manners they have imbibed and long practised.) And these are mischiefs which nothing can give us so good hope of security from, as that removal of this enemy, which your Majestie designs.

We shall, with all possible vigour and diligence, apply ourselves to the executing of that part which your Majesty has allotted to us in this expedition, according to the instructions your Majesty has referred us to.

And we further crave leave to offer your Majesty our most dutiful thanks for your royal bounty in furnishing our quota of men in this expedition with clothing, arms and ammuni- [165] tion, whereby we are better || enabled, and encouraged the more cheerfully, (notwithstanding the great expence and burthen of the war lying annually upon us, and more particularly in the two last summers,) to go through the charge of this service; being animated especially thereto, by the assurance your Majesty has been pleased to give us of your royal favour to such as shall distinguish themselves by their zeal, performance, and good deportment therein.

We earnestly wish, that your Majesties purpose in the present expedition may be attended with a success equal to the justice of your arms; that as the last summer Nova Scotia was recovered out of the French hands, so in this, their other intrusions on your Majesties right in North America may be removed, and the places that are yet unjustly possessed by them, restored to your empire.

While we are yielding the most faithful obedience to your Majesties commands, we also add, our most fervent supplication to the Lord of Hosts, that he would graciously prosper the expedition, and let your Majesty see in the issue the happy accomplishment of your design for the good of your subjects in these parts of your dominions.

That your Majesties reign may be long and ever happy, that your arms may be every where victorious, that the war in which you have, with your high allies, been so successfully engaged, may at last happily terminate in the restauration and establishment of the liberty of Europe, and in the universal and lasting tranquility of your subjects, is the loyal and true prayer of Madam

Your Majesties most dutiful,
obedient and faithful subjects,

Signed June 19th, 1711, G. SALTONSTALL.
per order of the General Assembly,
CALEB STANLY, Secry.

It is ordered and resolved by this Assembly, That a committee be appointed to return the thanks of this Assembly to the Hon^bl^ Francis Nicholson, Esq^r^, for the good services he has done to her Majesties Plantations in North America, and to this particularly, as by his former good conduct of the troops under his command, and honourable discharge of the great trust her Majesty reposed in him, for the reduction of the French in the neighbourhood of these Colonies, so for the great care and pains he has taken, since his reducing of Nova Scotia the last summer, to represent to her Majesty the state and interest of these Colonies, and thereby obtaining her orders for the present expedition against Canada, which by the blessing of God may be of the greatest benefit to these her Majesties Colonies. And a committee was appointed accordingly.

And for the better and more effectual furthering and putting forward the expedition which her Majestie has ordered and commanded now forthwith to be made against the French enemy in North America:

It is agreed, ordered, and resolved by this Assembly, That three hundred and sixty men, the quota of this Colony, in the

expedition against Canada, agreed upon by the Honourable the Council of War appointed by her Majestie, and convened in this place,* be immediately raised for that service, and [166] ‖ that all of them shall be returned as soon as the expedition shall be over.

That such of the officers of the said troops as are inhabitants of this government, be reckoned as part of their number.

That sixty of the said number shall be Indians, (if they can be procured,) to be a distinct company, under the command of English officers.

That an act for the more speedy and effectual raising the said quota be prepared.

That a suitable vessel be provided to go with the fleet, to carry provisions for the supply of our forces after they get to Canada, for bringing back such as may be sick and weak, and for other services.

That four months provisions be forthwith procured for the subsisting our troops now to be raised, a suitable part of it to be sent by the way of Albany, and vessels to be taken up for that end, the remainder to be sent in the aforesaid vessel with the fleet.

That two chaplins be provided to go with our troops in the said expedition, and also three physitians and chirurgeons, and that they be furnished with medicines and chirurgeon stores as shall be necessary, with what is already provided.

That the troops of this government, agreed to be raised by this Assembly, shall muster at Newhaven with all possible speed, and proceed as soon as they can be fitted, to the rendezvouz at Albany.

That the Hon^{bl} the Governour be, and he is hereby desired, with the assistance of his Council, to imploy suitable persons, and give all necessary orders, for the most speedy and effectual procuring the stores and vessels aforementioned, and whatsoever else may be necessary for the said expedition.

That Mr. Secretary Stanly be allowed assistance, at the publick charge, for the extraordinary occasion of the present expedition, the allowance to be regulated by this Assembly.

And whereas the said Hon^{bl} Council of War have recommended to this Assembly the making the same orders to prevent the assisting and harbouring deserters, as is made in the government of the Massachusetts Bay,—the said orders were thereupon passed in this Assembly, and ordered to be forth-

* The Journal of the Congress which met at New London, June 21, 1711, is printed in the Documents relating to the Colonial History of New York, V. 257.

with printed and published;—which said order is in the words following, viz:

Whereas her Majestie, for the ease and benefit of her good subjects in these Provinces and Colonys, has been graciously pleased to order an important expedition, with sea and land forces, from her Majesties Kingdom of Great Britain, to be joyned by some of her Majesties troops of this Colony, against the common enemy, and it being of the last consequence that the sailors, mariners, and souldiers retained in her Majesties service upon the said expedition, be held to their duty, and be not inticed away, do not desert, or withdraw themselves from the service:—For the better prevention whereof,

It is ordered, That for this extraordinary occasion, and pro hac vice, if any person or persons shall intice, harbour, or conceal, or convey away, any sailor, mariner, or souldier enlisted or retained in her Majesties service for the said expedition, and be thereof convicted, shall be punished by fine or imprisonment, not exceeding twenty pounds fine, or six months imprisonment, for every such offence. And that this [167] order be presently || printed and published.

Whereas the said Honourable Council of War have desired the Hon^{bl} Governour Saltonstall to buy and send to Albany, two hundred beeves and six hundred sheep, to be delivered to his Excellency Col^{o} Hunters order, and to be by him paid for: It is therefore agreed and ordered, that the said number of beeves and sheep be forthwith procured and sent accordingly.

And whereas the said Hon^{bl} Council of War have concluded that it is necessary that ten ship-carpenters be procured in this Colony, to go forthwith to Albany, to assist in making canooes and battoes for the said expedition, and that they shall be paid for their labour by her Majesty: It is therefore agreed and resolved, that ten ship-carpenters shall be procured to go accordingly, and that they shall be allowed to return as soon as that work is finished.

An Act for the more speedy raising Three Hundred and Sixty Effective Men, it being the Quota of this Government in the present Expedition ordered by her Majesty against the French in North America.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and it is enacted by the authority of the same, That the captain, or in want or absence of the captain, the next commission officer of each trainband within this Colony, shall forthwith require all officers and soldiers under his command to appear compleat in their arms at

the usual place of training, and at the time hereafter set and appointed in this act.

And it is also hereby enacted, That every such captain, or other officer as aforesaid, shall proclaim and signifie to the soldiers of the said trainband so mustered, that her Majesty having ordered an expedition against the French in North America, there are to be drawn out of such trainband such a number of private centinels for the said service as he hath received orders for, from the Honourable the Governour; to whom, together with their officers, her Majesty has been pleased to order by way of encouragement, a coat, breeches, stockings, shoes with buckles, two coloured shirts, coloured neck-cloths, and hat, gratis. And all such officers and soldiers shall have the same wages as was formerly allowed by this government in the expedition to the Wood Creek in the year 1709. And all such able-bodied soldiers as shall thereupon offer themselves freely to the said service, he shall cause to be inlisted in a roll for that end prepared.

And it is hereby further enacted, That if upon such proclamation so made, no such soldiers shall forthwith offer themselves to the aforesaid number, volunteers as aforesaid, that every such captain, or in his absence, such other officer as aforesaid, shall forthwith draw and enroll such number as shall be then wanting of able-bodied private centinels (as are not priviledged and exempted from impressment for such service for the space of three years, by an act of this Assembly made and passed August 4th, 1710,) out of his trainband, or of vagrant or wandering persons, residing within the limits thereof, as he shall receive orders for as aforesaid; who shall attend the said service or suffer as deserters, according to an act made and passed by this Assembly, May 10th, 1711, any other law, usage or custom to the contrary notwithstanding. And every such captain, or other officer, shall order the said soldiers to march to the general rendezvouz of the troops of this Colony, at Newhaven, on the eleventh of July next, trans-
[168] mitting together || with them (in the roll aforesaid) to the Honourable the Governour, an account of the time when they were enrolled, with the names of their parents or masters, if they are under age or servants; and every soldier so enrolled, as aforesaid, shall be allowed one day for every twenty miles, for his march from the place where he is enrolled to the said town of New Haven, and one shilling per diem subsistence while he is so marching.

And it is also hereby enacted and ordained by the authority aforesaid, That if any soldier belonging to any such trainband

shall not (unless prevented by sickness,) attend at the time and place of the said trainbands mustering, as hereafter appointed, every such soldier shall incur the penalty of twenty pounds, currant money, to the publick treasury of this Colony, to be improved in defraying the charge of the said expedition, or else shall suffer six months imprisonment without bail; the said penalty or fine to be levyed by the clerk of the trainband to which such soldier belongs, in the same manner as any military fines may or ought to be levied, and is hereby impowered ex officio so to do, and to command and take all assistance necessary thereto; and the said fine so levied, shall by the said clerk, (his own fees being first deducted, which is hereby declared to be two shillings in the pound,) be transmitted and paid to the treasurer of this Colony, taking his receipt thereof, and returning the same to the Governour or Commander in Chief for the time being.

And be it further enacted by the authority aforesaid, That every captain, or in his absence the next chief officer, shall forthwith upon receipt of this act, cause the same to be published by beat of the drum within his precincts, which shall be taken for a good and sufficient publication thereof to all intents and purposes whatsoever; and Fryday, the sixth of July next, at nine of the clock in the morning, shall be the day and time for such trainband to muster as is herein before expresssd; which muster every officer and private centinel belonging unto the said trainband is hereby commanded and obliged to take notice of and attend, upon the pain and penalty aforesaid.

And it is further enacted by the authority aforesaid, That all officers, captains, or others, mentioned in this act, who shall neglect any part of the duty by this act made to be incumbent upon them, shall incur for each such neglect or offence, the sum of twenty pounds, currant money, to be recovered by bill, plaint, or information, in the county court of the county where such officer shall live, one moiety whereof to be to the publick treasury of this Colony, and the other moiety to him or them that shall sue for the same and prosecute his suit to effect.

And it is enacted and ordained by this Court, That the soldiers upon the aforesaid expedition shall go under our own officers, and have one months pay in hand, and twenty shillings gratis to volunteers, and have liberty to return when the expedition is over.

An Act for emitting Bills of Credit, for Paying the Publick Debts of this Colony.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there be forthwith emitted a certain num- [169] ber of bills of credit on this Colony, in suitable || sums from two shillings to five pounds, which in the whole shall amount to the sum of six thousand pounds, and no more; which bills shall be printed, indented, and stamped, with such stamps as the Governour and Council shall direct, and of the same tenour and date, and signed by the same committee, under oath, in like manner as the bills of credit were which were emitted by the act of the General Assembly, held at New Haven, June 8th, 1709. And the said committee be, and are hereby impowered to deliver the said bills, to the value of six thousand pounds, to the treasurer of this Colony, taking his receipt for them.

And be it further enacted by the authority aforesaid, That the said treasurer be, and is hereby ordered and impowered to issue forth and emit the said bills towards the payment of the publick debts of the Colony, and the further necessary charge thereof, according to such orders as shall be given him from time to time according to law. And the said bills shall pass out of the treasury at the value expressed in the same, equivalent to money, and shall be taken and accepted in all publick payments, at the advance of twelve pence on the pound more.

And be it further enacted by the authority aforesaid, That as a fund and security for the repayment, and drawing in of the said bills to the treasury again, and for defraying any further charge of the Colony, this Assembly grants a tax or rate of six thousand and three hundred pounds, to be levied on polls, and all the rateable estate of this Colony, and to be paid into the treasury at or before the last day of August, which shall be in the year 1723; which said rate shall be paid in the bills of credit of this Colony, or in money as it passeth generally currant in the country, at the time of payment, and in no other manner.

Mr. Roger Woolcott of Windsor, is by this Assembly appointed and chosen to be Commissary for this Colony, upon the present expedition against Canada, &c. And this Assembly doth allow and grant unto him the same wages for his service therein as was allowed to Mr. Commissary Christophers, the last year, upon the expedition against Port Royall.

It is ordered and enacted by this Assembly, That there shall be allowed and paid out of the publick treasury of this Colony, to the Indians that shall be procured to go out upon the present expedition against Canada, as part of the quota or proportion of this Colony, the sum of six shillings per week, in money, for their wages.

Upon consideration of the extraordinary charge and trouble that the Hon^{bl} the Governour hath been at, in the entertainment of the Hon^{bl} Gen^{l} Nicholson and the several Governours at New London in this present month: This Assembly do grant to his Honour the sum of twenty pounds, in money, out of the publick treasury of this Colony.

This Assembly grants to Capt. John Sherman, Speaker of the Lower House at this session, fifteen shillings, as money, for his service therein.

This Assembly grants to Capt. Richard Bushnell, Clerk of the Lower House at this session, ten shillings, as money, for his service therein.

The whole record of the several acts, grants, and orders of this Assembly, as they stand entred in the pages of this book [170] || next preceding, were read in the presence of both Houses, and ordered to be signed by the Secretary as perfect and compleat.

Test. CALEB STANLY, Secretary.

June 25th, 1711. This Assembly was adjourn'd until the Governour or Deputy Governour shall see cause to call them to meet again.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JUNE 27TH, ANNO DOM. 1711.

Present,

The Honourable Gurdon Saltonstall, Esq^{r}, Governour.
Richard Christophers, Esq^{r}, *Assistant.*
Daniell Wetherell, Esq^{r}.
Jonathan Prentts, Esq^{r}, } *Justices.*
John Plumbe, Esq^{r}, }
Caleb Stanly, *Secretary.*

Ordered, that 500 bushels of wheat, or more, on board Capt. John Bradick, now in this harbour, be forthwith bought, or impressed, to make bread for the subsistence of the men belonging to this Colony, now going on the expedition against Canada, &c.

Ordered, that the treasurer do pay to Mr. John Pickett of New London, for the use of his house and attendance of his family for the

Governour and Assistants and their officers, at the General Assembly held at New London in this present month, the sum of thirty shillings, money.

Ordered, that the treasurer do pay to Mr. Richard Christophers, jun^{r}, of New London, for his service done for the Colony, in writing the memorial sent to her Majestie about the vessels lately seized at Rhoad Island, the sum of twenty shillings, money.

At a Meeting of the Governour and Council in New London, June 29th, 1711.

Present,

The Governour.

Rich^{d} Christophers, Esq^{r}, *Assistant.*
Dan^{ll} Witherell, Esq^{r}.
Capt. George Denison.
Lt. Jonathan Prentts.

Agreed in Council, that if a good sloop can be provided, with consent of the owners, to carry what stores we send with the fleet to Quebeck, at the rate that the transports of Boston are allowed in this expedition, she be immediately taken upon those terms. But if none can be procured on those terms, then, that a good sloop be impressed and allowed 5*s* 6*d* per tun the month, that she be found with such good ground tackling as the extraordinary difficulties of the river of Quebeck requires, at the Colonies charge, that a carefull master and good pilot be provided for her.

An order was given to Mr. Jonathan Prentts forthwith to procure Mr. Simon Smith, by impressing or otherwise, to go master of our transport sloop to Quebeck.

At a Meeting of the Governour and Council in New Haven, July 14th, 1711.

Present,

The Governour.

John Alling, Esq^{r}, } *Assistants.*
Sam^{ll} Eells, Esq^{r}, }
Warham Mather, Esq^{r}, *Justice of the Peace.*
Capt. Joseph Whiting, *Treasurer.*

Ordered, that the treasurer do deliver to the Governour 250*l.*, for the procuring of bread, rum, kettles, and rice, for stores, at New York, whither the Governour is designed.

Ordered, that the treasurer do deliver to the commissary thirty pounds, to discharge the freight of stores and other incident charges, taking his receipt of the same.

At a Meeting of the Governour and Council at New Haven, July 24th, 1711.

Present,

The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.

John Alling, Sam^ll^ Eells, } Esq^rs^, *Assistants.*

Nathan Andrews, Warham Mather, } Esq^rs^, *Justices.*

Mr. John Whiting is constituted and appointed Sub-commissary, to assist the commissary in the present expedition against Canada, and to have the same wages that was allowed the commissaries assistant in the expedition against Port Royall the summer past, and one months wages paid down.

Ordered, that a letter be sent to Mr. Copp, at Norwalk, desiring him to attend and go as Doctor in the expedition against Canada, which letter was drawn and sent accordingly.

Ordered, that a letter be drawn and sent to Mr. Dan^l^ Hooker, that he attend the said service in the capacity of Doctor, which was done accordingly.

Ordered, that Mr. Peck of Milford be desired forthwith to wait upon the Reverend Mr. Whittlesey of Wallingford, and to treat with him concerning his going Chaplain in this expedition, and to lay his resolve and answer before the Governour and Council; which was drawn and sent accordingly.

Ordered, that if Mr. Whittlesey declines the said service, letters be written to Mr. Buckingham of Hartford, and Mr. Edwards of Windsor, to serve in the quality of chaplains in the aforesaid expedition, and that the ministers places that serve in the said post be supplied during their absence, at the publick charge.

At a Meeting of the Governour and Council at New Haven, July 27th, 1711.

Present,

The Honour^ble^ Gurdon Saltonstall, Esq^r^, Governour.

John Allyn, Esq^r^, Sam^l^ Eels, Esq^r^, } *Assistants.*

Jonathan Law, *Justice.*

Capt. Joseph Whiting, *Freeman.*

Ordered, that so much money be paid out of the treasury, for the cattle bought for Col^o^ Hunter, as our debts at Boston do or shall amount to, (upon the present expedition,) and bills of exchange drawn upon Col^o^ Hunter for the payment thereof at Boston.

The Treasurer produced in Council an account of payments he had made by the Governours order, to the officers several companies in the regiment of this Colony, that is to say, for the months pay and bounty money due to them by act of the Assembly. Which accounts are as follows:

	l.	s.	d.
To the Col° Company, per Lt. Price,	143	6	8
To the Lt. Col° Company, Lt. Ellis,	143	0	0
To the Maj^rs Company, Lieut. Harris, -	151	6	8
To the 4th Company, Lt. Walters, -	143	6	8
To the 5th Company, Capt. Crane, -	150	13	4
To the 6th Company, Capt. Ward, -	137	13	4
To the 4th Company, Lt. Walters, more for the volunteers of Capt. Tho. Wells, of Wethersfield, - - -	007	0	0

At a Meeting of the Governour and Council at New Haven, July 28th, 1711.

Present,

The Honourable Gurdon Saltonstall, Esq^r, Governour.

John Allyng, Esq^r, } *Assistants.*
Samuel Eells, Esq^r, }

Capt. Joseph Whiting, }
Maj^r John Bur, } *Freemen.*
Nathan^l Hooker, }

A copy of an order passed by the Governour, pursuant to an order of the Council made yesterday for the exchanging of money in Boston.

Mr. Treasurer Whiting: It being concluded in Council that money be procured at Boston, to defray the debt of this Colony contracted there in the present expedition, I do therefore hereby order you to pay to Mr. Nathaniel Hooker the sum of two hundred pounds, which is in part of payment for cattle purchased by the said Mr. Hooker and Mr. Howard of Hartford, for his Excellency Col° Hunter, and for which I shall take care that so much of the aforesaid debts contracted by this Colony at Boston shall be paid.

An account of sundry bills produced in Council, which were examined and allowed, and ordered to be paid, and are as follows, viz:

	l.	s.	d.
To Capt. John Braddick, - -	183	19	0
To Rich^d Christophers, Esq^r, - -	45	3	0
To Christoph^r Christophers, - -	44	14	0
To Dan^l Tracy, - - - - -	5	00	0
To Sam^l Hide, - - - - -	5	00	0
To Abiel Marshall, - - - -	3	00	0
To Capt. Rene Grignon, - -	4	00	0
To Jonathan Peirce, - - -	2	10	0

	l.	*s.*	*d.*
To Joseph Renolds,	0	10	0
To Benajah Bushnell,	7	12	2
To John Leffingwell,	5	12	2
To Majr Thos. Fitch,	221	3	9
To Majr Saml Eells,	41	14	8
To Mr. Thos. Creese,	44	12	9
To Thos Couch,	3	11	8
	618	3	2
To Capt. Jno Prents of New London, for subsisting the British officers and conveying them by water in his boat to New Haven,	02	00	0

At a meeting of the Governour and Council at New Haven, July 31st, 1711.

Present,

The Honble Gurdon Saltonstall, Esqr, Governour.

William Pitkin, Esqr, } *Assistants.*
John Allyng, Esqr, }
Samuel Eells, Esqr, }

John Eliot, Esqr, } *Justices.*
Jonathan Law, Esqr, }

Resolved, that Mr. Christopher Christophers forthwith be sent to Boston to buy one anchor of 3c weight, and one cable of 6½ inches, full length, for the use of Mr. Pickets sloop now going to Quebeck. And also one hogshead of rum, one pipe of wine, and sugar about eight pounds worth, and about five pounds worth of spice. And of beds and blankets about fifteen pounds value. But if the duffells in the hands of Mr. Vryling at Boston will serve for blankets, that then he buy none.

And that the said Mr. Christophers do also buy and provide some cups, porrangers, pots, spoons, and chamber pots of pewter or earthen, with other such necessary things as upon due enquiry he shall find to be needful to send with the said sloop, for the use of our forces in the present expedition against Canada.

Ordered, that whatsoever debts the said Mr. Christophers shall contract and make by virtue of this order shall be speedily paid by order of Colo Hunter to the Queens agent at Boston, or else in the bills of credit of this Colony.

Ordered, that the treasurer do deliver of the Colonys money in his hands, the sum of fifty pounds to the said Mr Christopher Christophers, to be by him improved in paying one months wages to the said pilot, and in buying and purchasing the goods and stores aforesaid, as far as it will go. And that the said Christopher Christophers do render an account to this board of what he shall do herein upon his return.

Ordered, that the sum of nineteen pounds be sent by the treasurer to Richard Christophers, Esqr, at New London, by the hands of Mr.

Christopher Christophers; and the said Richard Christophers is hereby desired and ordered therewith to pay one months wages to Mr. John Pickett and his mate and seven men more that are allowed to him, one of which to be a carpenter,—that is to say, such wages as was allowed to Mr. Samuel Doty and his men on the service to Port Royall the last year,—and to render his account of his doings therein to this board as soon as may be.

At a meeting of the Governour and Council in New Haven, August 1st, 1711.

Present,

The Hon^{bl} Gurdon Saltonstall, Esq^{r}, Governour.

William Pitkin, Esq^{r}, } *Assistants.*
John Alling, Esq^{r}, }

John Eliot, Esq^{r}, *Justice of Peace.*
Caleb Stanly, *Secretary.*
Thomas Kimberly, *Freeman.*

A proclamation was now drawn in Council, and read and approved, appointing a general Fast throughout this Colony on Wednesday the 15th instant, and on the last Thursday of September next, and of every month successively until the present expedition against Canada be ended, or until other or further order shall be given therein.

Ordered, that the treasurer do pay out of the Colony treasury to Lieut. John Richards of New London, for twenty five neat cattle that he hath bought for the Colonys service in the present expedition, and this day brought to New Haven, and for his cost and charge in bringing of them, the sum of ninety four pounds sixteen shillings and nine pence, money, which appears to be due to him by his account this day exhibited, examined and allowed in Council, which is on file.

Ordered, that the treasurer do pay out of the Colony treasury to Major John Clark of Saybrook, for twenty three neat cattle that he hath bought for the Colonys service in the present expedition and this day brought to New Haven, and for his cost and charge in bringing of them, the sum of ninety four pounds thirteen shillings and eight pence, money, which appears to be due to him by his account this day exhibited, examined and allowed in Council, which is on file.

Ordered, that Major John Clark of Saybrook do take care about one cow, which Lieut. John Richards of New London bought for the use of our forces and left (by reason she was tired,) at the town of Lyme, and dispose of her for the Colonies best advantage, and deliver the money she shall produce to the treasurer, for the Colonies use.

Ordered, that the treasurer do pay out of the Colony treasury to John Hawke of New London the sum of two pounds and eight shillings, money, for his expences and service in assisting Major Clark and Lieut. Richards in bringing cattle for our forces from New London to New Haven, and in billeting three Indian soldiers, each, two weeks last past.

Whereas the accompts of the charge of the subsistence of the souldiers now raised for the expedition against Canada, in their travel to Newhaven, according to an act of the General Assembly of this Colony holden at New London, June 19th, 1711, are gathered up, and have been this day examined and allowed at this board, and thereby it appears that the whole of the said charge amounts to the sum of twenty nine pounds three shillings and two pence, money; and whereas the Hon^{bl} the Governour hath been pleased to undertake the trouble of receiving of the treasurer the said sum and paying out the same again to the said souldiers for defraying the said charge, or to such other gentlemen as have paid the same or part thereof: It is therefore resolved and ordered, that the treasurer do pay out of the Colony treasury the said sum of twenty nine pounds three shillings and two pence, money, for defraying the said charge accordingly.

Whereas the secretary hath laid before this board an account of sundry charges that hath arisen within the county of New London, for service done about the Indian murtherers that were executed at Hartford in May last past, which is due to several persons, and amounts in the whole to the sum of eight pounds and nineteen shillings, money, which account hath been examined and is allowed: It is ordered, that the treasurer do send the said sum of eight pounds and nineteen shillings, money, (by Lieut. John Richards,) to John Plumb of New London, Esq^{r}, to be by him paid to the said several persons to whom it is due.

Whereas the secretary hath laid before this board an account of sundry charges that hath arisen within the county of Hartford, for service done about the Indian murderers that were executed at Hartford in May last past, which is due to several persons, and amounts to (in the whole) the sum of nine pounds six shillings and ten pence, money, which account hath been examined and is allowed: It is ordered, that the treasurer do deliver and pay the said sum of nine pounds six shillings and ten pence, money, to Samuel Webster, sheriff of the county of Hartford, to be by him paid to the said several persons to whom it is due.

Ordered, that the treasurer do pay out of the Colony treasury to Capt. Caleb Williamson of Hartford, the sum of sixteen pounds two shillings and ten pence, money, for satisfying what is due to him from the Colony, as appears by his account this day laid before this board, and now on file.

Resolved and ordered, that the treasurer do pay out of the Colony treasury to Mr. John Plumb, Esq^{r}, of New London, the sum of seven pounds eleven shillings and four pence, money, for satisfying what is due to him from the Colony, as appears by his account this day laid before this board, and now on file.

At a Meeting of the Governour and Council in New Haven, August 3d, Anno Dom. 1711.

Present,

The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.

William Pitkin, Esq^r^, } *Assistants.*
John Alling, Esq^r^, }
John Eliot, Esq^r^, *Justice of the Peace.*
Caleb Stanly, *Secretary.*
Thomas Kimberly, *Freeman.*
Samuell Eells, Esq^r^, *Assistant.*

Agreed and resolved, that Doctor James Laborie shall be allowed and paid out of the Colony treasury the sum of ten pounds a month, in money, for his service on the present expedition against Canada, and that he shall have a suit of the regimental cloths, gratis, and have one months wages paid him forthwith.

Agreed and resolved, that Doctor John Copp shall be allowed and paid out of the Colony treasury the sum of six pounds a month, in money, for his service on the present expedition against Canada, and that he shall have a suit of the regimental cloaths, gratis, and have one months pay or wages paid him forthwith.

Whereas the General Assembly concluded to have three phisitians or chirurgeons to go with our regiment on the present expedition against Canada, and upon tryal there cannot but two be obtained: It it is therefore ordered, that there shall be allowed and paid out of the Colony treasury to two suitable persons that shall be chosen by and assist Doctor Laborie and Doctor Copp, the sum of forty shillings per month, or twenty shillings to each of them.

Ordered, that there shall be allowed and paid to the quartermaster that shall be imployed in the present expedition against Canada, the same pay by the month as is allowed to lieutenants, viz., four pounds thirteen shillings and four pence, and that one months wages be paid him forthwith.

Ordered, that the treasurer do pay out of the Colony treasury to William Pitkin of Hartford, Esq^r^, the sum of seven pounds, money, for satisfying what is due to him from the Colony, as appears by his account this day laid before this board, and now on file.

Ordered, that the treasurer do pay out of the Colony treasury to John Eliot of Windsor, Esq^r^, the sum of three pounds two shillings and eight pence, money, for satisfying what is due to him from the Colony, as appears by his account this day laid before this board, and now on file.

Ordered, that there shall be allowed and paid out of the publick treasury of this Colony to the adjutant that shall be imployed in the present expedition, the same wages by the week as is allowed to captains, and that one months pay be delivered to him forthwith.

Agreed and ordered, that at the publick cost and charge of this Colony, one hundred and fifty able horses, that will draw well, be

forthwith provided, with a saddle, bridle, and a pair of leather fetters for each of them, and that they be all shod on their two fore feet, for the use of the forces of this Colony now going on the expedition against Canada, to help them along with their provision and baggage from Newhaven to the Wood Creek; and that a sufficient number of carefull men be provided to fetch the said horses to Newhaven, and to go with our forces to the Wood Creek, (if need be,) to bring the said horses back to their owners. And the Honourable the Governour is desired to issue forth his warrants to cause the said number of horses to be impressed, and men also sufficient to go with them and bring them back, according as his Honour shall judge meet.

John Shackmaple, Esq^{r}, collector of her Majesties customs, &c., representing to this board that Jeremiah Atwater and Arthur Rexford of Newhaven, on the 31st day of July last past, at New London, had with threatening and violence opposed him in the execution of his office, by wresting a vessel out of his hands that he was seizing or had seized for unlawfull trading, and carrying her from the port of New London to this port of Newhaven, and that, without assistance, he cannot with safety execute his office, and secure the said vessel: It is resolved, that the secretary forthwith issue out an order to the constable of the town of Newhaven, commanding him to take a boat with a sufficient number of men, and go on board the said vessel with the said collector, and take effectual care for the preservation of the peace, and that no violence or wrong be done to the said collector in the performance of his office.

At a Meeting of the Governour and Council in Newhaven, August 8th, Anno Dom. 1711.

Present,

The Honourable Gurdon Saltonstall, Esq^{r}, Governour.

Joseph Curtis, Esq^{r},
John Alling, Esq^{r}, } *Assistants.*
Samuell Eells, Esq^{r},
John Eliot, Esq^{r}, *Justice of the Peace.*
Caleb Stanly, *Secretary.*

Mr. Roger Woolcott, commissary for this Colony upon the present expedition against Canada, now laid before this board an account of sundry goods and stores by him bought, impressed, or taken up in the county of Hartford, for the use of the forces of this Colony going on the said expedition; and also of service done by his order about the same, for which the Colony is indebted to sundry persons in the said county; which accompt hath been now examined and allowed, and is ordered to be kept on file. It is therefore now ordered and resolved, that the treasurer shall pay out of the Colony treasury to the several persons, creditors in the said accompt hereafter named, the sums to each of them respectively set and fixed, in money, that is to say,—

In the town of Windsor.

	l.	*s.*	*d.*
To Jonathan Elsworth,	3	2	7
To Job Drake, junior,	0	8	0
To Symon Chapman,	1	3	6
To Joseph Grant,	0	7	0
To William Stoughton,	0	6	0
To John Thrall,	0	2	8
To Samuell Beaman,	1	8	6
To Stephen Loomis,	1	14	6
To Hezekiah Porter,	2	6	8
To Doctor Samuell Mather,	25	9	4
To Mr. Roger Woolcott,	7	13	11
To Mr. John Woolcott,	5	3	7
To Owen Tudar,	1	0	10
To John Stoughton, junr,	6	3	4
To Martha Elsworth,	0	15	0
To Samuell Tuder,	1	15	3
To Mary Chapman,	0	18	0
To Ammy Trumball,	3	4	8
To Captain Timothy Thrall,	20	12	1
To John Strong,	0	16	3
To John Bissell,	2	9	3
To Mr. James Mack-Jerrow,	12	18	4
To Jane Alford, widow,	1	13	6
To Mrs Martha Clark,	1	2	3
To Lieut. Job Drake,	1	14	8
To Ebenezer Hurlbutt,	0	5	0
To Thomas Fylar,	9	6	0
To Henery Chapman,	0	14	6
To Mr. Daniell White,	1	15	0
To Rebecka Loomis and Sarah Goring,	3	10	0
To John Hoskins, junior,	1	2	9
To Thomas Eglestone,	0	17	6
To Eliakim Marshall,	0	5	9
To Lieut. Daniell Heydon,	0	4	9
To William Heydon,	0	2	6
To Mrs. Elizabeth Allyn,	0	1	6
To Ensign Joseph Griswold,	0	14	4
To Josiah Phelps,	0	9	0
To John Griswold,	0	8	8
To Serjeant Benajah Holcomb,	0	4	0
To Ensign Thomas Griswold,	0	6	6
To Josiah Cook,	0	7	0
To Charles Woolcott,	0	10	7
To Thomas Moore,	0	7	0
To Josiah Grant,	7	5	10
To James Eno,	1	2	0
To Thomas Marshall,	1	4	6
To Josiah Pinny,	0	6	0

	l.	s.	d.
To Abraham Phelps,	0	14	7
To Timothy Hosford,	1	18	6
In the town of Hartford.			
To Richard Burnham,	0	3	4
To Capt. Joseph Whiting,	22	15	7
To Jonathan Arnold,	6	14	2
To Jonathan Bidwell,	14	16	3
To Mrs. Elizabeth Wilson,	2	1	8
To Cyprian Watson,	3	15	10
To Thomas Bidwell,	5	1	2
To Samuell Kellog,	1	7	8
To Joseph Cooke,	0	8	4
To Samuel Benton,	1	19	0
To Joseph Bunce,	1	0	10
To Jonathan Webster,	0	7	1
To Sarah Webster,	0	16	11
To Samuell Thornton,	0	10	9
To William Harris,	0	7	3
To Baysey Baker,	3	10	0
To Joseph Shepard,	1	13	0
To John Day,	0	7	6
To John Skinner,	0	17	0
To Capt. Aaron Cooke,	0	8	2
To George Saxton,	0	5	7
To Nathanael Humphreys,	0	6	8
To John Shepard,	5	0	0
To Samuel Shepard,	1	14	0
To Nathanael Smith,	2	15	2
To Mr. Richard Lord,	4	0	0
To Nathanael Skinner,	4	4	0
To Mr. William Pitkin,	4	5	6
To Caleb Stanly, junior,	85	14	2
To Mr. John Haynes,	0	4	0
To John Coale,	0	12	0
In the town of Wethersfield.			
To Mr. Stephen Micks,	3	6	0
To Mrs. Mary Denison,	3	6	0
To John Belden,	3	6	0
To Josiah Belden,	3	6	0
To Joseph Belden,	3	6	0
To James Butlar,	0	19	7
To John Stedman,	0	15	0
In the town of Farmington.			
To Mr. Samuel Whitman,	3	0	0
To Samuel Gridley,	2	10	0
To Asahell Strong,	1	0	0
To Mr. John Smith, of Killinsworth,	4	10	0
To John Strong, of Endfield,	9	14	2

	l.	s.	d.
To Mrs. Mary Alford, of New London, - - -	13	0	0
To Mr. John Collins, of Middletown, - -	3	6	8

Ordered, that the treasurer do pay out of the Colony treasury to Mr. Richard Hall of Newhaven the sum of twenty shillings, money, for paper which the Governour and Council have had of him for the Colonys service.

Mr. Roger Woolcott, commissary for this Colony, now laid before this board a further account of sundry goods and stores by him taken up for the Colonys service, and of service done for the Colony by his order, for which the Colony is indebted to sundry persons. It is therefore now ordered and resolved, that the treasurer do pay out of the Colony treasury to the several persons hereafter named, creditors in the said account, the sums to each of them respectively set and fixed, in money, that is to say,

	l.	s.	d.
To Samuell Gilbert, of Newhaven, - -	0	8	4
To Deacon Ponderson, of Newhaven, - -	0	6	9
To Samuell Todd, of Newhaven, - - -	11	19	0
To Mr. John Winston, of Newhaven, - -	4	11	8
To Mr. Thomas Trowbridge, of Newhaven, -	0	8	4
To Symon Ayres, of Newhaven, - -	0	8	0
To Thomas Leake, of Newhaven, - - -	1	4	0
To Capt. Thomas Hunt, of Boston, - -	14	14	0
To Mr. John Belden, of Norwalk, - - -	5	6	0
To Mr. John Edwards, of Fairfield, - -	1	0	0
To Lieut. Samuel Keelar, of Norwalk, - -	5	18	2

Ordered, that the treasurer do pay out of the Colony treasury to Mr. Samuel Webster, of Hartford, sheriff, the sum of thirteen pounds seven shillings and six pence, money, for satisfying what is due to him from the Colony, as appears by his account this day laid before this board, and now on file.

Ordered, that the treasurer do pay out of the Colony treasury to Mr. John Stedman, of Wethersfield, deputy sheriff, the sum of eleven pounds one shilling and two pence, money, for satisfying what is due to him from the Colony, as appears by his accompt this day laid before this board, and now on file.

Ordered, that the treasurer do pay out of the Colony treasury to Mr. John Prout, of Newhaven, the sum of two pounds twelve shillings and two pence, money, for satisfying what is due to him from the Colony, as appears by his accompt this day laid before this board, and now on file.

Ordered, that the treasurer do pay out of the Colony treasury to Major Samuell Eells, of Milford, the sum of six pounds seven shillings and eight pence, money, for satisfying what is due to him from the Colony, as appears by his accompts this day laid before this board, and now on file.

Ordered, that the treasurer do pay out of the Colony treasury to Mr. Thomas Couch, of New London, the sum of ten shillings, money, for his attendance on the Governour and Council at Newhaven, and keeping the door on several extraordinary occasions.

Ordered, that the treasurer do pay out of the Colony treasury to Mr. John Collins, of Middletown, the sum of thirty shillings and eight pence, money, for eighty pounds more of tobacco, and three empty barrels, delivered to the commissary, Mr. Woolcott, for the use of our forces.

Agreed and resolved, that the Reverend Mr. Tho. Buckingham and Mr. Timothy Edwards, who are now going chaplains on the present expedition against Canada,* shall be allowed and paid out of the Colony treasury the sum of six pounds in money per month to each of them, for their service therein, and that they shall have one months wages paid them by the treasurer forthwith.

Upon consideration of the petition of Arthur Rexford, of Newhaven, relating to the sloop Rose, now riding at anchor at Newhaven, lately arrived from Antigua and seized by John Shackmaple, Esq^{r}, collector, &c. of which sloop the said Rexford is master: It is the opinion of this board, that it is best and most safe for the said sloop and her cargo to be continued and secured in the port of Newhaven, until a tryal may be had upon the said seizure, according to law.

At a meeting of the Governour and Council at New Haven, August 9th, 1711.

Present,

The Hon^{ble} Gurdon Saltonstall, Esq^{r}, Governour.

John Alling, Esq^{r}, Samuel Eells, Esq^{r}, } *Assistants.*

Jonathan Law, Esq^{r}, *Justice of Peace.*
Caleb Stanly, Esq^{r}, *Secretary.*
Thomas Kimberly, *Freeman.*

Ordered, that the treasurer do pay out of the Colony treasury to sundry of the officers and souldiers of the regiment of this Colony now raised and going on the expedition against Canada, (who with their own money have subsisted themselves while they were in the town of Newhaven,) the sum of forty pounds eighteen shillings and seven pence in money.

Memorandum, August 9th, 1711. The treasurer paid the said sum of forty pounds eighteen shillings and seven pence, money, to the said officers and soldiers accordingly.

Test. Caleb Stanly, Secretary.

Whereas Mr. Samuell Rogers of New London, baker, hath lately baked upwards of twenty thousand weight of bread for the use of the forces of this Colony upon the present expedition against Canada, and hath now moved to this board for orders to be made to pay him for his

* A Journal or diary of Rev. Thomas Buckingham, in this expedition as well as in the expedition of 1710, was published in 1825, by Theodore Dwight, in connection with the Journal of Madam Knight's Journey from Boston to New York, in 1704. Mr. Dwight erroneously gives Mr. Buckingham's name as John.

said work, but hath not produced an account of the weight of the said bread: It is therefore now ordered, that the treasurer shall forthwith pay to the said Samuel Rogers for and towards his said work and service, the sum of forty pounds, money; and that the said Rogers do speedily produce to this board authentick accompts and receipts, to show the exact quantity of the said bread.

Ordered, that the treasurer do pay out of the Colony treasury to Major Samuel Eells of Milford, for fifteen days time attending the Council at Newhaven in setting forward the expedition, the sum of three pounds and fifteen shillings, money; and also to Mr. Jonathan Law of Milford, for four days time upon the same service, the sum of twenty shillings, money.

Ordered, that the treasurer do deliver to the Honourable the Governour, out of the Colony treasury, the sum of one hundred pounds, money, for the defraying of the charge of his Honour, and his waiting men, in his journey to Albany, and furnishing our forces on the present expedition with such small things as may be necessary for them and not yet thought of; and that an account thereof be kept and laid before the auditors of the Colonys accounts in October next.

Ordered, that the treasurer do pay out of the Colony treasury to Mrs. Rosswell of Newhaven, widow, the sum of eleven pounds thirteen shillings and six pence, money, for satisfying what is due to her from the Colony, as appears by her account this day laid before this board, and now on file.

Ordered, that Capt. Joseph Whiting, treasurer, do pay out of the Colony treasury unto himself, for his own use, the sum of eleven pounds nineteen shillings and eight pence, money, for satisfying what is due to him from the Colony, which appears by his account this day laid before this board, and now on file.

Whereas the accompts of sundry of the inhabitants of the town of Newhaven, for billeting and victualing the soldiers of the regiment of this Colony now raised for the expedition against Canada, and for pasturing and keeping horses and cattle, and some other services, have been this day exhibited at this board and examined and allowed, amounting in the whole to the sum of one hundred eighty nine pounds twelve shillings and six pence, money: It is resolved and ordered that the treasurer do pay out of the Colony treasury the said sum of one hundred eighty nine pounds twelve shillings and six pence, money, to the said inhabitants of Newhaven, according as it is due to them respectively and is entred in a list delivered to him with this order.

Whereas the Honourable Governour Saltonstall lately at New York procured Indian stores, of duffills, strouds, deer skins, &c. for the cloathing of the company of Indians in the service of this Colony, whereby fifty four suits of regimental clothing are reserved in the stores: It is therefore ordered and agreed, that the cost of the said duffills, strouds and deer skins shall be paid for out of the publick treasury of this Colony, which amounts to the sum of sixty six pounds and three shillings, money, and that the said fifty four suits be taken to the Colonies use, according to the proposal that his Honour the Governour has now made.

Ordered, that the treasurer do pay out of the Colony treasury to John Alling, Esq[r], of Newhaven, the sum of five pounds thirteen shillings and six pence, money, for satisfying what is due to him from the Colony, which appears by his account this day laid before this board, and now on file.

Ordered, that the treasurer do pay out of the Colony treasury unto John Eliot of Windsor, Esq[r], for two days time attending the Council at Newhaven, besides what is already paid him, the sum of ten shillings, money.

Ordered, that the treasurer do pay out of the Colony treasury to Thomas Kimberly, of Glassenbury, the sum of ten pounds, money, for satisfying what is due to him from the Colony, which appears by his account this day laid before this board, and now on file.

Resolved, that orders be given to the commanders of the militia throughout the Colony, in case of any attack of the enemy upon the Province of New York with a fleet, that they march with half their companies to the relief of the same, upon notice from his Excellency Col[o] Hunter, or in his absence from a committee of her Majesties Council there.

Ordered, that the treasurer do pay out of the Colony treasury to Mr. Caleb Stanly, of Hartford, the sum of nine pounds, money, for satisfying what is due to him from the Colony, which appears by his account this day laid before this board, and now on file.

Newhaven, August 9th, 1711. The Colony of Connecticut is debtor to sundry persons in money, as followeth, that is to say,

	l.	*s.*	*d.*
To John Sherman, of Newhaven, for billeting soldiers and pasturing horses, &c.,	1	4	0
To Samuel Umverfield, billeting soldiers, pasturing horses,	0	9	0
To Thomas Talmage, of Newhaven, for billeting soldiers,	1	14	0
To Mr. Jn[o] Ball, of Newhaven, for billeting soldiers, more than the beef he had comes to,	0	7	0
To Mr. Nath[l] Bradly, of Newhaven, besides what is contained in his account this day exhibited,	3	1	4
To Mr. John Payn, of Newhaven, for billeting soldiers,	3	2	0
To Mr. Jonathan Atwater, for the use of his scow, beans for the Indians, butter, and furniture for our men, all,	1	2	8
To Sam[l] Chatterton, of Newhaven, for service of his horse and pasture,	0	4	0
To Mr. W[m] Thompson, sen[r], for horse pasture,	0	2	0
To John Johnson, Newhaven constable, for impressing and pasturing horses, and going post to New London, in January last,	1	6	0
To Mr. Tho. Oakes of New Haven, for marking and numbring the arms of four companies,	1	0	0
To Mr. Jeremiah Osborn, for bridles, fetters, &c.,	0	12	2
To Mr Ebenez[r] Beecher of New Haven, for pasturing horses, billeting soldiers, and other service,	1	3	0
To Mr. Benj[a] Bowden of New Haven, fetters, leather straps, &c.,	2	18	8

	l.	*s.*	*d.*
To Mr. Isaac Dickerman, constable, pressing and pasturing horses,	1	5	8
To John Ball, jun^{r}, of Newhaven, for going post to Rye, bearing his own expences, above what the Governour paid him, viz., 10*s.*,	0	7	0
To Mr. Jn^{o} Belding of Norwalk, for 7½ bushels wheat taken out of Mr. Williams's sloop at New Haven, at 4*s* 6*d* per bushel,	1	13	9
To Mr. Allexander Russigue of Norwalk, for 40 bushels wheat taken out of Mr. Jn^{o} Williams's sloop at New Haven, at 4*s* 6*d* per bushel,	9	0	0
To Mr. Benjamin Lewis of Stratford, for 62 bushels of wheat taken out of said Williams sloop, 4*s* 6*d* per bushel,	13	19	0
To Mr. Dugall Makenzie of Fairfield, for 19 bushels wheat taken out of Mr. Williams's sloop, at 4*s* 6*d*,	4	5	6
To Mr. John Williams of Fairfield, for ½ bushel of wheat taken out of said Williams's sloop, at 4*s* 6*d*,	0	2	3
To Mr. John Edwards of Fairfield, for 10 bushels wheat taken out of Mr. Williams sloop,	2	5	0
To Mr. Warham Mather of Newhaven, for billeting soldiers, and keeping horses, &c.,	0	17	4
To Lt. Joseph Whiting of New Haven, for billeting and keeping horses,	1	3	0
To Mr. Jonathan Mansfield, for the use of his house for the General Assembly in August, 1710, and for victualling a post now,	0	19	4
To Isaac Dickerman, constable, for pressing horses, and paid for two horses to Col^{o} Schuyler, all,	0	7	8
To Abraham Dickerman, jun^{r}, of New Haven, for more billeting soldiers and pasturing horses,	0	8	0
To Stephen Munson of New Haven, for work upon guns, shoeing horses, &c.,	4	15	3
To John Woolcot of Newhaven, for work upon guns,	0	15	2
To John Howard of Newhaven, work upon guns, shoeing horses, &c.,	2	13	0
To Theophilus Munson of Newhaven, work upon guns, shoeing horses, marking arms, &c.,	9	16	0
To Mr. Joseph Whiting, and Mr. Thomas Kimberly, and others, for receiving and auditing the accounts of billeting, and other matters,	1	0	0

All which accounts aforegoing having this day been examined, are passed and allowed, and ordered to be kept on file: It is therefore ordered and resolved, that the treasurer do pay out of the Colony treasury to the several persons aforenamed, the sums to them respectively set, as is above written.

Whereas sundry persons in the town of Newhaven have billeted and victualled soldiers and pastured horses since the sixth and seventh days of this present month, when they brought in their accounts, the cost and charge whereof (being computed and considered) amounts

to the sum of three pounds twelve shillings and eleven pence, money: It is now agreed and resolved, that the treasurer do pay out of the Colony treasury, to the said several persons, the said sum of three pounds twelve shillings and eleven pence, money, as the same is due to them respectively, according to a list to be given him with this order.

At a Meeting of the Governour and Council at Newhaven, August 10th, Anno Dom. 1711.

Present,

The Honourable Gurdon Saltonstall, Esq^{r}, Governour.

John Alling, Esq^{r}, } *Assistants.*
Peter Burr, Esq^{r}, }
Caleb Stanly, Esq^{r}, *Secretary.*
Thomas Kimberly, *Freeman.*

Ordered, that the treasurer do pay out of the Colony treasury to the Honourable Governour Saltonstall the sum of ten pounds, money, to defray his Honours cost and charge in procuring the fifty four Indians now under the command of Capt. Peter Mason in the present expedition, and subsisting them until they came to Newhaven, and their ferriage in the way.

Ordered, that the treasurer do pay out of the Colony treasury to Capt. Moses Dimon of Fairfield, the sum of two pounds and two shillings, money, for a drum now bought of him for her Majesties service on the present expedition; and also that he do pay to John Blackman of Fairfield, the sum of forty shillings, for a drum bought of him for the same service.

Ordered, that the treasurer do now forthwith deliver out of the Colony treasury to Mr. Roger Woolcot, commissary for this Colony upon the present expedition against Canada, the sum of thirty pounds, money, for the defraying of contingent charges as the occasions may require, and that the commissary do make and keep an account of the disposition thereof.

At a Meeting of the Governour and Council at Hartford, September 14th, Anno Dom. 1711.

Present,

The Honourable Gurdon Saltonstall, Esq^{r}, Governour.

Nathanael Stanly, Esq^{r}, }
William Pitkin, Esq^{r}, } *Assistants.*
Joseph Talcott, Esq^{r}, }
Caleb Stanly, Esq^{r}, *Secretary.*

Whereas certain information is this day brought to this board that the Reverend Mr. Timothy Edwards, one of the chaplins of the regiment of this Colony gone upon the expedition against Canada, is lately taken sick and returned back to Albany, and is now there very ill: It is therefore resolved, that Samuel Spencer and Jonathan Biglow of Hartford, be forthwith sent to Albany, with four horses, to assist the said Mr. Edwards and his waiting man in returning home; and that the sum of eight pounds, money, be delivered to them out of the publick treasury to carry to the said Mr. Edwards, for the defraying of his own and his mans charges at Albany and on their journey.

Pursuant to an order made at this board at Newhaven, on the 9th of August last past, relating to work lately done for this Colony by Mr. Samuel Rogers, jun^{r}, of New London, baker, in baking of bread, by which the said Rogers was directed to produce authentick accounts and receipts to this board, to shew the exact quantity of the said bread; he, the said Samuel Rogers, now appeared and produced accounts and receipts, by which it appears that he hath baked for the Colony of their wheat the quantity of 223^{c} 2^{qrs} 13^{lb} of bread. And whereas the said Samuel Rogers doth demand six shillings per hundred for his said baking, as being due to him according to the constant custom and practice of the merchants at New London: It is now ordered, that if it shall be made appear to this board that the constant custom at New London is to allow so much for baking, then the same shall be allowed to him for the said quantity aforementioned. And at present there is allowed him but five shillings per hundred for the said baking, as the same is entered in his account this day examined and passed at this board. And whereas it appears by the said Samuell Rogers his said account, this day examined and passed, that there is now due to him from the Colony, besides the sum of forty pounds paid to him by virtue of the aforementioned order of the 9th of August last, the sum of twenty five pounds eight shillings and three pence, money: It is now resolved and ordered, that the treasurer do forthwith pay to the said Samuell Rogers the said sum of twenty five pounds eight shillings and three pence, money, out of the Colony treasury.

Ordered, that the treasurer do pay out of the Colony treasury to Mr. Samuell Grey of New London, the sum of twenty nine pounds sixteen shillings and one penny, money, for satisfying what is due to him from the Colony, for goods to our Indian soldiers, &c., which appears by his account this day laid before this board, and now on file.

Ordered, that the treasurer do pay out of the Colony treasury to Mr. Ebenezar Dart of New London, the sum of one pound sixteen shillings, money, for four sides of leather which he furnished our Indian soldiers with that are now out on the present expedition.

Ordered, that the treasurer do pay out of the Colony treasury to Mr. Thomas Short of New London, the sum of five pounds sixteen shillings and seven pence, money, for satisfying what is due to him from the Colony for goods to our Indian soldiers, &c., which appears by his account this day laid before this board, and now on file.

Whereas the regiment of this Colony, now gone on the expedition against Canada, were lately lodged at Green Bush, near Albany, upon the farm or land of Capt. Henry Van Ranslear, where the officers of the said regiment, or many of them, were quartered, and the soldiers did him much damage and hurt in his creatures and crop of grain and grass; and whereas Col° William Whiting (by the order of the Hon^ble^ the Governour,) hath examined the said Ranslears account of his subsisting the said officers and damage done to him, and hath certifyed to this board that the value of the same is fifteen pounds, money: It is therefore resolved, that the treasurer do pay out of the Colony treasury the said sum of fifteen pounds, money, to the said Capt. Henry Van Ranslear or his order; and that a letter be sent to the said Ranslear to request him to send to the Governour a particular account of that part of the said fifteen pounds which is for subsisting our said officers, that they be charged debtor for the same, to be discounted out of their wages; and a letter was sent by the Governour accordingly.

Ordered, that the treasurer do pay out of the Colony treasury to Mr. John Picket of New London, the sum of thirty seven pounds and four shillings, money, for satisfying what is due to him for goods to our Indian soldiers gone on the present expedition, and for sundry goods and stores by him provided and put into his hospital sloop lately taken and lost in the service of this Colony, as appears by his account this day examined at this board, and now on file.

Ordered, that the treasurer do pay out of the Colony treasury to Mr. Nicholas Hallam of New London, the sum of thirty six shillings and six pence, money, for satisfying what is due to him for goods to our Indian soldiers.

Ordered, that the treasurer do pay out of the Colony treasury to Mr. Joseph Trueman of New London, the sum of three pounds and twelve shillings, money, for eight pieces or sides of leather which he furnished our Indian souldiers with, for shoes, that are gone on the present expedition.

Ordered, that the treasurer do pay out of the Colony treasury to Nehemiah Smith, of Groton, Esq^r^, the sum of four pounds and one shilling, money, for satisfying what is due to him from the Colony for goods to our Indian souldiers, which appears by his account this day laid before this board, and now on file.

Ordered, that the treasurer do pay out of the Colony treasury to the Honourable Governour Saltonstall five shillings, money; to Capt. John Parks of Preston, eight shillings, money; and to Mr. Richard Singleton ten shillings, money, for goods or money which they respectively furnished our Indian souldiers with that are gone on the present expedition, towards their first months pay, which appears by their accounts examined and on file.

Whereas it appears by the examination of sundry accompts at this board this day, of goods taken up at New London in July last by Capt. Peter Mason of Colchester, or by his order, for the paying to the Indians that are gone forth out of this Colony into the present expedition against Canada, their first months wages at the rate of

twenty four shillings per month, that the said Peter Mason hath taken up and trusted the said Indians with the sum or value of eleven pounds, money, more then their said first months wages comes to: It is therefore ordered and resolved, that the said eleven pounds shall be charged to the account of the said Peter Mason, and be abated out of his own wages.

At a Meeting of the Governour and Council at New London, September 28th, 1711.

Present,

The Honourable Governour Saltonstall.
Daniel Wetherell, Esq^{r}.
William Pitkin, Esq^{r}, } *Assistants.*
Richard Christophers, Esq^{r}, }
Peter Burr, Esq^{r}, }
Mr. Nehemiah Smith, *Justice of Peace.*

The Hon^{ble} Governour communicated to the Council Lt. Gen^{ll} Nicholsons letter, bearing date at the Wood Creek, the 21st instant, inclosing a copy of the conclusions of the Council of War there on the 20th instant, upon their hearing the news of the disaster befalling the fleet in the River of St. Lawrence; in which conclusion of the Council of War, his Honour, Governour Saltonstall, is desired to come to Albany to meet Coll. Hunter and Lieut. Gen^{ll} Nicholson there, with all expedition. His Honour thereupon desired the advice of the Council in that matter, who gave it as their opinion that it might be for the service of her Majesties interest for his Honour to undertake that journey at this time, and do desire his Honour to take two gentlemen with him to bear him company, with suitable attendance, at the Colonys charge.

At a Meeting of the Governour and Council at Hartford, October 1st, Anno Domini, 1711.

Present,

The Honourable Gurdon Saltonstall, Esq^{r}, Governour.

Nathanael Stanly, Esq^{r}, John Haines, Esq^{r}, } *Assistants.*
William Pitkin, Esq^{r}, Joseph Talcott, Esq^{r}, }

Caleb Stanly, Esq^{r}, *Secretary.*

Whereas there is a necessity that the Honourable the Governour do forthwith make a journey to Albany to meet with the Honourable Lieutenant General Nicholson and Governour Hunter of New York, to consider what is proper to be done in and about the affairs of the present

expedition against Canada under the ill circumstances thereof; and whereas the officers of the regiment of this Colony have been forced to buy and take up some cloathing and goods at Albany necessary for our soldiers: It is therefore ordered, that the treasurer do deliver out of the Colony treasury to the Honourable the Governour the sum of two hundred pounds, money, for the bearing of the charge of his Honour and his attendants in his said journey, and for the paying for the said cloathing and goods, and that an account thereof be laid before the auditors in October next.

Whereas a petition of Mr. Roger Woolcott, Mr. Nathanael Bissell, Mathew Grant, and many more persons of the town of Windsor within this Colony, who are the major part of the present proprietors of a certain parcel of meadow land or low wet ground, lying on the east side of Connecticut River within the said town of Windsor, and bounded as followeth, viz:—On the north with Scantick River, on the east with the upland, on the south with Podunck Brook or River, and on the west with the dry, firm, meadow land; was this day presented and laid before this board, shewing that the said parcel of land might and would be of great profit and advantage to all the proprietors thereof, if the same were ditched and dreyned, as easily might be done, [and that the said petitioners cannot effect the same by reason of the dissent and opposition of some few other of the said proprietors,] and praying that Commissioners of Sewers may be appointed to order and oversee the ditching and dreyning the said parcel of land, and to do therein all and whatsoever may be necessary and proper to be done, as such commissioners are enabled to do by an act of the General Assembly of this Colony, intituled An Act for appointing Commissioners of Sewers, made and passed May 10th, 1711.

Upon consideration whereof, it is enacted, ordered and resolved, that a commission be granted and made out by the Hon^ble^ the Governour under his hand and seal, unto William Pitkin, Esq^r^, Joseph Talcott, Esq^r^, and Mr. Nathanael Hooker, of the town of Hartford, or any two of them, to appoint and fully to impower them to order, direct, and oversee the ditching and dreyning or drowning the said parcel of land; and for that end from time to time to view, consider, and contrive such ways and methods for effecting the same as to them shall seem meet; and to act, order, and do therein, and in and about the same, in all matters and things relating thereunto, as fully to all intents and purposes as any such commissioners appointed by this board, pursuant to the aforementioned act, may, might, or could do in any such case. And the said William Pitkin, Joseph Talcott, and Nathanael Hooker were now sworn in Council for a faithful discharge of their trust, as the aforementioned act requires.

Pursuant to the above-written order of Council, a commission was made out in the words following, viz:

Gurdon Saltonstall, Esq^r^, Governour of her Majesties Colony of Connecticut, in New England, to William Pitkin, Esq^r^, Joseph Talcott, Esq^r^, and Nathanael Hooker, Esq^r^, of the town of Hartford, in

the county of Hartford, within the said Colony, Greeting:—Whereas upon the petition of Roger Woolcott, Nathanael Bissell, Mathew Grant, and many more persons of the town of Windsor, the major part of the present proprietors of a certain parcel of meadow land or low, wet ground, lying on the east side of Connecticut River, within the said town of Windsor, bounded as followeth, viz:—On the north with Scantick River, on the east with the upland, on the south with Podunck Brook or River, and on the west with the dry, firm, meadow land, which was this day presented and laid before myself in Council, shewing that the said parcel of land might and would be of great profit and advantage to all the proprietors thereof, if the same were ditched and dreyned, as it might easily be done; and praying that Commissioners of Sewers may be appointed to order and oversee the ditching and dreyning the said parcel of land: It was considered and enacted in Council, that a Commission of Sewers should be granted to you, for the ditching and dreyning or drowning the said wet land, and rendering it of more use and profit, pursuant to an act made by the General Assembly of this Colony, holden at Hartford, May 10th, 1711, intituled An Act for appointing Commissioners of Sewers.

I do therefore, by and with the advice and consent of the Council, constitute, appoint, and impower you, or any two of you, the said William Pitkin, Joseph Talcott, and Nathanael Hooker, to be Commissioners of Sewers, to manage, direct, order, and oversee the dreyning or drowning of the said parcel of wet land, in such way and manner as to you shall seem meet for the best effecting the same; and to act, order and do therein, and in and about the same, in all matters and things relating thereunto, as fully, amply, and effectually to all intents and purposes, as any such commissioners appointed by this board, pursuant to the aforementioned act, may, might, or could do in any such case. Given under my hand and seal at arms, in Hartford, the first day of October, in the tenth year of her Majesties reign, Annoque Domini, 1711.

G. Saltonstall.

[171] *CONNECTICUT COLONY.*

A General Assembly holden at Newhaven, in her Majesties Colony of Connecticut, in New England, on Thursday, the 11th day of October, in the tenth year of the reign of our Sovereign Lady Anne, Queen of Great Britain, &c., Annoque Dom., 1711, and continued by several adjournments to the 26th day of the same month.*

Present at this Assembly were,

The Honourable Gurdon Saltonstall, Esq^r^, Governour.
The Honourable Nathan Gold, Esq^r^, Deputy Governour.

Assistants,

Nathanael Stanly, Esq^r^,	John Alling, Esq^r^,
William Pitkin, Esq^r^,	Samuell Eells, Esq^r^,
Joseph Curtis, Esq^r^,	Mathew Allyn, Esq^r^,
Peter Burr, Esq^r^,	Joseph Talcott, Esq^r^,
Richard Christophers, Esq^r^,	John Hamlin, Esq^r^.

Deputies or Representatives that were present and attended at this Assembly were as hereafter followeth: that is to say,

Capt. Aaron Cooke, Mr. Nath^l^ Hooker, for Hartford.
Mr. Samuel Bishop, Mr. Nathanael Yale, for Newhaven.
Mr. John Richards, Mr. James Rogers, for New London.
Mr. John Edwards, Mr. Samuel Hubbell, for Fairfield.
Capt. Rich^d^ Bushnell, Mr. Solomon Tracy, for Norwich.
Capt. Joseph Platt, Mr. Samuel Comstock, for Norwalk.
Mr. Samuel Buell, Mr. Robert Lane, for Killinsworth.
Mr. Joshua Ripley, Mr. Jonathan Crane, for Windham.
Mr. Abraham Brunson, Mr. Samuel Marvin, for Lyme.
Mr. Timothy Stanly, Mr. Thomas Judd, for Waterbury.
Capt. Abraham Fowler, Mr. Caleb Leet, for Guilford.
Mr. Daniell Braynard, Mr. James Braynard, for Haddam.
Mr. James Cornish, Mr. Joseph Phelps, for Simsbury.
Capt. John Hall, Mr. Thomas Ward, for Middleton.
Mr. John Stanly, Mr. Samuel Wadsworth, for Farmington.
Capt. Samuel Hall, Capt. John Merriman, for Wallingford.
Mr. Joseph Peck, Mr. Zachariah Baldwine, for Milford.
Mr. Roger Woolcott, Capt. Timothy Thrall, for Windsor.
Capt. James Judson, Mr. Benjamin Curtis, for Stratford.
Capt. Nath^l^ Harrison, Mr. Edward Barker, for Branford.

* The Journal of the Upper House only, at this session and at the session in November, is preserved.

Capt. James Beebee, Mr. Josiah Starr, for Danbury.
Mr. Caleb Seward, for Durham.
Capt. John Sherman, for Woodbury.
Mr. Thomas Kimberly, for Glassenbury.
Mr. Robert Chapman, Mr. William Parker, for Saybrook.
Capt. William Clark, for Lebanon.
Mr. John Ambler, for Stanford.
Mr. John Morgan, sen^{r}, for Groton.
Capt. Manassah Minor, for Stonington.
Mr. Joshua Whitney, for Plainfield.
Mr. Daniell Woodward, for Preston.
Mr. John Riggs, for Derby.
Capt. Robert Wells, for Wethersfield.
[172] Mr. Michael Taintor, for Colchester.

And there was chosen and appointed,

Capt. John Sherman, Speaker, } of the House of Rep-
Capt. Richard Bushnell, Clerk, } resentatives.

The gentlemen nominated by the votes of the freemen, (brought in at this Assembly,) to stand for Election in May next, are as followeth, viz:

The Honourable Gurdon Saltonstall, Esq^{r}, the Honourable Nathan Gold, Esq^{r}, Nathanael Stanly, Esq^{r}, John Hamlin, Esq^{r}, William Pitkin, Esq^{r}, Joseph Curtis, Esq^{r}, John Chester, Esq^{r}, Peter Burr, Esq^{r}, Richard Christophers, Esq^{r}, John Alling, Esq^{r}, John Haynes, Esq^{r}, Samuell Eells, Esq^{r}, Mathew Allyn, Esq^{r}, Joseph Talcott, Esq^{r}, Capt. Abraham Fowler, Mr. John Hooker, Mr. Jonathan Law, Mr. John Eliot, Capt. John Sherman, and Mr. Richard Lord.

This Assembly do order and appoint Peter Burr, Esq^{r}, forthwith to assist the gentlemen now upon the audit of the Colonys accompts with the treasurer, in the room and stead of Mr. Elisha Holly, who is sick and not able to attend it.

By order of the Hon^{bl} the Governour, the gentlemen members of both Houses being met together, the Governour declared unto them the present state and circumstances of the expedition lately formed against Canada, and the sore disappointment and frustration of the same; and also laid before them sundry letters and writings that had come to his hand since the last session of this Assembly, relating to the publick business and affairs of this Colony; and recommended the consideration of them to this Assembly.

This Assembly do establish and confirm Mr. Thomas Williams to be Captain, Mr. Timothy Pierce to be Lieutenant, and Mr. William Douglas to be Ensign, of the company or trainband in the town of Plainfield.

It is ordered and enacted by this Assembly, That Mr. Roger Woolcott, commissary for this Colony upon the expedition against Canada, shall take an exact account of all the stores of provision, clothing, arms, and other things whatsoever and wheresoever, belonging to this Colony, and especial care of the same, that there be no imbezelment or wast made thereof. And the said commissary shall be and is hereby authorized and impowred to sell such part of the said stores (for the most profit and advantage of the Colony,) as are likely and lyable to spoil and perish with keeping, and safely to secure and keep the rest for the Colonys use, rendering a true accompt thereof to this Assembly, and to the Governour and Council of this Colony, when he shall be thereunto required.

This Assembly, having considered the petition of the Hon^{bl} Colonel Samuell Cranston, Esq^{r}, Joseph Jenks, Esq^{r}, and divers other gentlemen of the Colony of Rhoad Island, now presented to this Assembly by the said Joseph Jencks and Mr. Malachy Roads, praying this Assembly to affirm to their title to certain lands lying at the eastern side of this Colony, which they or their predecessors formerly purchased of some Indian sachems, do find that the said lands are claimed by people within this Colony, whose title cannot now be produced before this Assembly; and therefore do conclude to take time to consider further thereon.

The sums of the Lists of Estates of the several Towns within this Colony, exhibited in this Assembly by their Deputies respectively, are as followeth, viz:

	lls.		*lls.*
[173] Hartford,	18574	Waterbury,	02218
New London,	09561	Plainfield,	02023
Fairfield,	16881	Lebanon,	05828
Windsor,	14261	East Haddam,	03564
Wethersfield,	13204	West Haddam,	02812
Farmingtown,	07834	Danbury,	03308
Middletown,	10156	Groton,	06478
Glassenbury,	02454	Norwalk,	08273
Windham,	04946	Norwich,	10978
Hebron,	01171	Woodbury,	04049
Simsbury,	04266	Lyme,	07677
Killingworth,	03730	Saybrook,	07918
Preston,	04319	Milford,	12509
Stonington,	07160	Guilford,	11893
Stratford,	13845	Derby,	03006
Durham,	02067	Greenwich,	04614
Stanford,	09073	Colchester,	03911
Wallingford,	08414	Newhaven,	17949
Branford,	06760		

This Assembly do grant a freedom to Hannah Scott of Waterbury, wife of Jonathan Scott of said Waterbury, now in captivity at Canada, from paying any rates or taxes to the Colony for this present year 1711.

Whereas information hath been made to this Assembly, that the listers of several towns in this Colony, contrary to their duty, have neglected to enter into their lists for this present year 1711, those men who were sent out of their towns on the expedition against Canada: It is therefore ordered and enacted by this Assembly, that all such listers who have so neglected their duty, shall forthwith enter into their lists respectively, all such men as they have so neglected to enter, and give an account thereof to the Secretary as additions to the lists.

Whereas this Assembly have formerly released and freed the inhabitants of the town of Durham from paying rates to this Colony, until the end of the year 1710: It is now ordered and enacted by this Assembly, that the said town of Durham shall be rated and taxed according to their list of estate, for the defraying of all publick charges of the Colony, in this present year 1711, and for the future, as the other towns within the Colony are.

This Assembly do choose and appoint Mr. John Copp of Norwalk to be Surveyor of Land in the county of Fairfield, and order that he be sworn to that trust.

Whereas the General Assembly of this Colony, holden at Hartford, May 12th, 1670, did order, that the selectmen in the respective plantations or towns on Connecticut River should lay out a highway of six rods wide upon the upland on the east side of the said river: And whereas upon the petition of several of the inhabitants of the town of Glassenbury, presented to this Assembly in May last past, praying for a committee to be appointed to survey and lay out the said highway through their town, pursuant to the said order, Major Joseph Talcott, Capt. Aaron Cook, and Mr. Nathanael Hooker of Hartford, were appointed a committee to survey and lay out the same, and to make return of their doings therein to this Assembly at this time: And the said committee having [174] accordingly laid out the said highway, and || made their report thereof to this Assembly, which is now on file: It is therefore ordered and enacted by this Assembly, and by the authority of the same, that the said highway laid out by the said committee, and described in their said report thereof, shall be and remain a publick highway and country road through the said town forever; and that the Secretary shall enter and record

the said report or return of the said committee, at large, in the publick records of this Colony, and send a true copy thereof to the town clerk of the said town of Glassenbury, who is hereby required to record the same in the publick records of that town, that the same may be known to be such a highway forever.

This Assembly grants liberty to the inhabitants of Farmingtown Village, at and near the Great Swamp, by and with the approbation of their neighbouring elders and churches, to gather a church and call a minister to office among them, according to the rules of the gospel and the order of discipline established by this government.

Mr. Samuell Mulford of Long Island, Mr. Thomas Leffingwell of Norwich, and Mr. John Picket of New London, made their application to this Assembly, for a reasonable satisfaction to be paid to them for their sloop, called the Hester, lately taken into her Majesties service the last summer, on the expedition against Canada, &c., which sloop was taken by the French enemy in going from New London towards Boston:— Upon consideration whereof, this Assembly do allow and grant to the said Mulford, Leffingwell, and Pickett, for their said sloop so lost, the sum of three hundred and forty pounds, money, to be paid to them out of the publick treasury of this Colony, that being the sum at which she was apprized. And this Assembly do not see cause to allow to the said owners any money for the run or service of their said sloop.

Whereas by the providence of God, Capt. John Crane, of Killingsworth, in his returning from the expedition against Canada, &c., died by the way at New York: It is therefore ordered by this Assembly, that the cost and charge of his funeral there be borne and paid out of the publick treasury of this Colony; and the Hon^{ble} the Governour and Council are desired to examine Lt. Col^{o} Livingston's accompt of the said charge, and to make out an order to the treasurer to pay what is reasonable and just therein.

Whereas the Hon^{bl} the Governour has proposed to this Assembly, that for the preventing of any designs of the French enemy, against the frontier parts of this Colony, and of the Provinces of the Massachusetts Bay and New York, and for the securing the Five Nations of Indians to remain in the English interest, and on our side in the war against the French and their Indians, it might be a good expedient for this Assembly to agree to bear a proportionable part (with the said Provinces, if they shall agree thereto,) of the charge of maintaining a garrison in some of the castles of the said Five Nations, until such time as the state and condition of the said frontiers

be laid before her Majestie; and that the souldiers of the said garrison be impowred, with the Indians of the said Nations, to act offensively against the said enemy, if they shall continue to send out their scalping parties upon any of the said frontiers: Upon consideration whereof, it is agreed, resolved and ordered by this Assembly, that (if the said Provinces shall agree thereto,) a proportionable part with them, of the charge of a garrison of thirty or forty men, for the ends aforesaid, shall be borne and paid by this Colony; provided always, that no men shall be impressed or compelled to go out of the Colony into that service, except such as shall voluntarily enter into the same.

It is ordered and enacted by this Assembly, That all such persons as have billeted, or shall billet or victual any of the souldiers belonging to this Colony, upon their return home from the expedition against Canada, shall be allowed for the same [175] according || to law, provided they bring in a true accompt thereof under their hands.

It is ordered and resolved by this Assembly, That orders be forthwith issued out, to require John Mayhew of New London, mariner, late pilot of her Majesties ship, the Humber, on the expedition against Canada, &c. to appear before this Assembly, to be examined, and to give an account upon oath of the late sad disaster that happened to the fleet as they were going up the river of Canada, as near as he can. And orders were now issued forth, and the said John Mayhew appeared before this Assembly accordingly, and was examined, and gave in his evidence upon oath concerning the said disaster; which evidence this Assembly orders to be kept on file.*

This Assembly grants to John Mayhew of New London, mariner, for his journey to this Court from New London and attendance here, the sum of twenty shillings, money, to be paid to him out of the publick treasury of this Colony.

Whereas the General Assembly of this Colony held at Newhaven October 8th, 1701, did appoint and impower Peter Burr, Esq^{r}, and Mr. John Wakeman of Fairfield, to lay out to the heirs of Major Nathan Gold, deceased, one hundred acres of land which was granted to the said Major Gold by the said General Assembly holden May 12th, 1687: And whereas the said Wakeman and Burr neglected to do that work, and the said Wakeman is now deceased: Wherefore this Assembly do now order and appoint the said Peter Burr, Esq^{r}, and Mr. John Copp, surveyor of the county of Fairfield, to survey and lay out the said one hundred acres of land unto and for the said

* John Mahew's evidence is in War, III, 114.

heirs of the said Major Gold, deceased, upon the Colonys land, where it may not prejudice any former grant.

Whereas the General Assembly of this Colony, holden at Hartford in May last past, upon the petition of the inhabitants of Newtown, did appoint Capt. John Hawly and Mr. Benjamin Sherman of Stratford, and Mr. John Platt of said Newtown, to be a committee to lay out such divisions of land within the said Newtown, (with the advice of Mr. James Beebee, and Mr. Thomas Taylor of Danbury,) as should be agreed upon by the proprietors thereof, and to make a return of their doings therein to this Assembly at this time:—And the said committee in pursuance of the said act, or order, having lately had a general meeting of the said proprietors, and their agreement or order for laying out a certain division, or sundry lots of land, within the said town of Newtown, have thereupon proceeded and laid out the same, and have now made their return thereof to this Assembly; which said return having been now considered, the same is allowed and approved by this Assembly, and ordered to be kept on file. And whereas the aforesaid committee by the desire and on the behalf of the proprietors and inhabitants of the said Newtown, have now petitioned to this Assembly to have all such powers, liberties and priviledges granted to them as all other towns in this Colony generally have and enjoy, and a figure for a brand mark for their horses to be appointed for them: Upon consideration whereof, this Assembly do give and grant unto said proprietors and inhabitants of the said town of Newtown, all such priviledges, liberties and powers, in all respects whatsoever, as all other towns in this Colony generally have and do enjoy; and do order and appoint the figure **7**, to be the town brand mark for their horses.

And it is ordered and enacted by this Assembly, That the present constable of said Newtown shall give seasonable notice and warning to all the proprietors and inhabitants thereof, to convene together in a general town meeting within the said town, sometime in the month of December next, upon a day and at a place by him appointed, for the choosing of all town officers, as the law directs.

[176] Whereas in an act made at the General Assembly holden at Hartford May 10th, 1711, intituled An Act for the better regulating of the payments to be made out of the treasury for any service done for the Colony, it is enacted, that no person from and after the date of the said act shall be allowed any bill upon the treasurer, for any service done or for any thing impressed from him for the publick service of this Colo-

ny, without producing a certificate within ten days, &c. as in the said act is provided: This Assembly do now allow and grant to all such persons as have not yet procured such certificates as aforesaid, a further time, viz. until the last day of December next, to procure and obtain the same, for any service already done or thing impressed as aforesaid.

This Assembly,—having heard the petition of Mr. John Jones of Newhaven, now presented, complaining against the inhabitants of that part of the town of Greenwich calledthe Old Town, being on the east side of Mianos River, for that they do refuse to pay him for seven months time which he lately spent amongst them in preaching the gospel, and praying for relief; and having also heard the replys of Thomas Marshall, agent for the said inhabitants, against the said petition,—do thereupon order, that the said inhabitants of Greenwich Old Town shall pay to the said Mr. John Jones for his said service, the sum of twenty pounds in currant pay, (that is to say, in grain, pork, or beef, at the price set thereon by an act of the General Assembly made in October last,) some time on this side, or before the last day of December next.

And it is ordered and enacted by this Assembly, That Ensign James Ferris, Joseph Knap, Joseph Finch, sen^{r}, Robert Lockwood, Jonathan Renalls, sen^{r}, Samuel Huestead, and Samuel Peck, (who were the committee of the said inhabitants at the time of their calling the said Mr. Jones to preach amongst them,) or the major part of them, shall be and are hereby authorized and impowered forthwith to levy and collect the said sum of twenty pounds upon the said inhabitants, according to the list of their estates for the year 1710, and to pay the same to the said John Jones. And that in case the said committee, or major part of them, shall not duly pay the said sum of twenty pounds to the said John Jones, by the said last day of December next, the Secretary shall issue forth a warrant directed to the sheriff of the county of Fairfield, or his deputy, requiring him to levy the said sum by distress upon the body or bodies, goods, or chattels of any one or more of the said committee aforenamed, and to pay the same to the said John Jones. And this Assembly do adjudge the said inhabitants to pay to the said John Jones, petitioner, his cost of this his said petition, which is allowed to be thirty three shillings and eight pence, currant money.

Upon consideration of the petition of Samuel Howard of Hartford, for the reviving an action against Daniel Dickinson of said town, for reasons by him alledged, and particularly because of an error in the process and mistryal at the county

court: It is ordered and enacted by this Assembly, that the said Howard shall have a tryal of the said action at the next superior court to be holden in the county of Hartford, and no liberty of reviewing from the judgment of the said superior court if it be given against him; but if judgment be given by the said court for the said Howard, that then the said Dickinson shall have liberty of reviewing to the next superior court [177] in the said county, where the cause shall have || a final issue, any law, usage or custom to the contrary notwithstanding.

Whereas the law, title Intestate Estates, page 59, limits and restrains orphans, who may be aggrieved with any act, sentence, order or decree of any prerogative court, from relief by appealing from such act, order, decree, or sentence, except such appeal be demanded within eighteen months after such act or order of the said prerogative court, or within one year after he or she come of age to choose guardians, and not afterwards,—

Be it enacted, and it is hereby enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That any orphan, who is, or may be aggrieved as aforesaid, shall have liberty of appealing from such act, order, decree, or sentence, within eighteen months after he or she shall come to the age of twenty one years, any clause in the said law, or any other law to the contrary notwithstanding.

Whereas Mary Wakeman, an orphan, has made application to this Assembly for liberty to appeal from an act or sentence of the prerogative court in the county of Fairfield, bearing date November 1st, 1692, with which she is aggrieved: this court has thought good, by a general law providing relief for orphans, to grant her the liberty desired.

This Assembly do allow and grant to Mr. Francis Winnec, master of the sloop now at Newhaven, which come from Albany with our sick men and stores, the sum of forty shillings, money, for his being hindered several days at Albany and New York upon his said voyage.

Whereas by an act made and passed at New London at the General Assembly holden there June 19th, 1711, it was provided that all persons belonging to trainbands should be present at a muster appointed by that act, or incur the penalty of twenty pounds: And whereas it has been represented to this Court that some persons are in hazard of suffering the said penalty for being absent from the said muster, although they were hindred by various providences, and did not absent themselves therefrom and refuse her Majesties service therein,

out of any willful contempt:—To the intent that such persons may be excused from such penalty, and that all contemptuous offenders may be duly punished, this Assembly do refer the consideration of all such cases of persons not contemptuously refusing the obedience required in the said act, to the honourable the judges of the superiour court, who are hereby impowered at or before their riding of the circuit in March next, to hear and receive the applications of all such persons; and if it shall appear to them, or the major part of them, that by Providence they were prevented of being so present at said muster, and did not absent themselves willfully and out of contempt, wholly to discharge and release them from the penalty aforesaid; and to shew to all offenders of the said law so applying themselves, such favour as they shall see meet, taking care that no willful, obstinate contempt of said law be in the least tolerated.

And it is hereby further enacted and agreed, That the Governour do in the mean time, and he is hereby desired with all convenient speed, to give out such orders as may prevent any distraint from being made by any clerks of any trainbands, on any persons whatsoever, for the penalty aforesaid, till the ending of the said circuit.

Upon consideration of the petition of the inhabitants of New Milford, now presented to this Assembly, praying that they [178] may be put into a way to || procure, and be enabled to call and settle a minister of the gospel amongst them: It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That it is, and shall be lawful to, and for, and in the power of Mr. Jonathan Law of Milford, one of the committee for managing the affairs of the said town of New Milford, with two of the said inhabitants, petitioners, to levy a tax or rate on all the owners and proprietors of land lying within the said town, for the term of four years next coming, in the proportion following, that is to say:—Each proprietor of a whole share right (so called) to be rated or taxed at the sum of seven shillings, currant money, by the year, and each proprietor of a bigger or lesser share, or right, to be rated and taxed more or less, proportionably, and so, and in such proportion to tax all the said proprietors, annually, for the term of four years next after the date of this act; which rate shall be levyed and collected by the said Jonathan Law and two of the said inhabitants for and towards the building of a ministers house there, and supporting or paying a minister of the gospel to preach the word of God amongst them. And in case that any owner

or proprietor of land within the said town of New Milford, upon notice and warning given by the said Jonathan Law and two of the said inhabitants, (to be chosen among themselves for collectors,) shall refuse or neglect to pay such rate or tax, to be levyed as aforesaid, that then such tax or rate shall be levyed, with all necessary costs and charges, on the body, goods or chattels of such owner or proprietor, by distress, according to the direction of law for gathering of ministers rates; the distress to be made by the sheriff of the county wherein such owner of the said land lives, or by his deputy, by warrant from any one assistant or justice of the peace within the said county, who is hereby impowered and required to grant the same.

And it is ordered and enacted by the authority aforesaid, That the money arising by virtue of this act, shall be ordered and disposed of, for the uses and ends aforesaid, by the said Jonathan Law, and two of the said inhabitants, to be chosen for collectors thereof, as aforesaid.

Whereas the General Assembly of this Colony, holden at Hartford May 12, 1709, did constitute and appoint a court of commissioners, to be holden as occasion might require, to determine all differences and controversies about the copper mines within the town of Symsbury: This Assembly doth now constitute and appoint the Worshipful William Pitkin, John Hains, and John Hooker, Esq^{rs}, to be commissioners to hold the said court, according to the intent of the act made for the said constitution, for the future, and until other persons shall be appointed in their place and stead.

Whereas by an act passed by the General Assembly of this Colony, holden at Newhaven, October 13th, 1709, intituled An Act for making and emitting of bills of publick credit, the sum of eleven thousand pounds in the said bills was emitted, which have been since paid out of the treasury for the satisfying the debts of this Colony: And whereas the said Assembly for the repayment and drawing in the said bills to the treasury again, by their said act did grant a tax or rate of twelve thousand pounds, as money, to be levyed on polls and all the rateable [179] estate within this Colony, within the term || of six years next ensuing the date of the said act, and so much thereof in each of the said six years, as this Assembly should after order and appoint.

It is now ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That for and towards the drawing in the said bills to the treasury of this Colony, there shall be levyed

and collected, as part of the said tax or rate granted as aforesaid, the sum of four pence upon the pound, on polls and all the rateable estate within this Colony, according to the lists of estate for this present year, and to be paid before the first day of July next, in the bills of credit of this Colony, or in money as it shall generally pass in New England at the time of payment, as is provided in an act passed by the General Assembly of this Colony holden at Newhaven, August 4th, 1710, intituled An Act in addition unto, and for repealing one clause or paragraph in the act made and passed by the General Assembly of this Colony, begun and held at Hartford May 11th, 1710, intituled An Act for better regulating and giving a more effectual currency to the bills of publick credit.

Whereas in sometime past, the owners and proprietors of the greatest part of that tract or parcel of land lying on the east side of Connecticut River, within this Colony, which was given and devised by Joshua, Indian sachem deceased, to sundry gentlemen in Hartford, passed over their right therein unto William Pitkin, Joseph Talcott, William Whiting, and Richard Lord, of Hartford, gentlemen, as a committee to settle a town thereon: And whereas the General Assembly of this Colony, holden at Hartford May 9th, 1706, did also appoint and impower the said William Pitkin, Joseph Talcot, William Whiting, and Richard Lord, to be a committee, with full power to lay out the said town, and also home lots and other divisions of lots as they should see convenient, and to admit inhabitants thereon: And whereas also by mistake, or oversight, the said William Pitkins name was left out of the said act or order of the said Assembly: This Assembly do therefore now order and appoint the said William Pitkin, Joseph Tallcot, William Whiting, and Richard Lord, and also Nathanael Rust, who dwells on the said tract of land, or any three of them, to be a committee with full power to lay out the bounds of the said town and divisions of land therein, and to admit inhabitants thereon, as aforesaid, and also to consult and contrive for the procuring and settling a minister of the gospel in the said town, in the best way and manner, as soon as may be. And it is ordered and enacted by this Assembly, that the said town shall be called and known by the name of Coventry, and that the brandmark for their horses shall be this figure, ⊔.

By the order of this Assembly, an address to her Majestie, and a letter to Lieut. General Nicholson, was drawn, read, and approved, and ordered to be sent forward and presented accordingly.*

* The address and letter are both in War, III, 115, 116,

This Assembly doth grant and allow to the Reverend Mr. Thomas Buckingham the sum of ten pounds, money, in consideration of his readiness to go into the late expeditions against the enemy, and the good service that he hath done therein, and also in consideration that in the last expedition he served the most part of the time alone, since Mr. Edwards his return; to be paid to him out of the publick treasury of this Colony.

It is ordered and enacted by this Assembly, That there shall be allowed and paid out of the publick treasury of this Colony to Samuel Morehouse, (who lost his hand by firing a gun in the expedition against Port Royall in the year 1710.) the same wages as was allowed to centinels in that expedition, from the [180] time that he entred into that || service until the time that Major Burr returned from the same.

It is ordered and enacted by this Assembly, That the Council to assist the Governour, or in his absence the Deputy Governour, shall consist of seven persons, that is to say, two assistants at the least, and five judicious freemen, such as the Governour, or in his absence the Deputy Governour, shall call to assist therein; who shall have power in the intervals of the General Assembly to manage the affairs of this Colony according to charter, and upon special occasions to draw money out of the treasury, for the service of the Colony; but not to raise men to send out of the Colony, unless in case of exigency, nor to raise money. And it is ordered by this Assembly, that Daniel Wetherell, Esq^{r}, shall assist and serve in the room and stead of an assistant in Council, when the Governour shall call him thereunto.

This Assembly, being informed of the death of the Hon^{bl} Sir Henry Ashhurst, our agent in Great Brittain, and considering the several matters of great concernment to this Colony that are now depending there, do determine that another agent be appointed there, to manage all such matters and things for this Colony that now are, or hereafter may be depending at Court and before her Majesty. And for that end this Assembly do refer the further consideration and management of all that concern to the Honourable the Governour and Council, to act and do therein for the best good of this Colony, according to their discretion.

This Assembly grants to Capt. John Sherman, Speaker of the Lower House at this session, twenty five shillings, as money, for his service therein.

This Assembly grants to Capt. Richard Bushnell, Clerk of

the Lower House at this session, twenty shillings, as money, for his service therein.

This Assembly grants to John Johnson and Isaac Dickerman, constables of Newhaven, for their attendance at this Assembly, each of them, two shillings and six pence per day, as money, they bearing their own charges.

This Assembly grants to the Hon^{bl} the Deputy Governour, the sum of fifty pounds, as money, for his salary for this present year 1711, viz., from May, 1711, to May, 1712.

This Assembly grants to Capt. Joseph Whiting, Treasurer of this Colony, the sum of fifty pounds, as money, for his salary for this present year 1711, viz., from May, 1711, to May, 1712.

This Assembly grants to the Hon^{bl} the Governour, the sum of two hundred pounds, as money, for his salary for this present year 1711, viz., from May, 1711, to May, 1712.

Whereas the inhabitants of the town of Colchester have not paid any rate to the Colony in the last year 1710: It is therefore ordered and enacted by this Assembly, that the said inhabitants of Colchester shall now in this year pay a rate or tax of two pence upon the pound (according to their list) to the Colony, to be gathered and levyed with the four pence upon the pound now ordered to be paid this year, by this Assembly, all to be reckoned as money.

It is ordered and enacted by this Assembly, That Mr. Roger Woolcott, commissary, shall draw up as speedily as may be, [181] muster rolls of the several officers and || companies in the late expedition, containing an account of the time they were in the service, the wages for the whole time, how much they have received, and what remains due to them, in distinct columns. Which accompts so drawn up, shall be laid before the Governour and Council, who, upon examination and proof of the said accompts, shall issue out orders to the treasurer for the payment of the sums due.

The whole record of the several acts, grants, and orders of this Assembly, as they stand entred in the pages of this book next preceding, were read in the presence of both Houses, and ordered to be signed by the Secretary as perfect and compleat.

Test. Caleb Stanly, Secretary.

Oct. 26th, 1711. This Assembly was adjourn'd until the Governour or Deputy Governour shall see cause to call them to meet again.

There was added to the Lists of Estates exhibited in this Court, May 8th, 1712, the several sums then sent by the listers to the Secretary, as follows, viz:

	l.	*s.*		*l.*	*s.*
Hartford,	210	0	Newhaven,	2351	14
Weathersfield,			Milford,	739	3
Middltown,	113	0	Wallingford,	144	0
Waterbury,	23	0	Branford,	725	0
Symsbury,	196	0	Fairfield,	588	15
Stratford,	522	8	Norwalk,	139	0
Norwich,	24	0	Lebenon,	374	8
Kellingsworth,	169	0			

At a Meeting of the Governour and Council at Newhaven, October 15th, Anno Dom. 1711.

Present,

The Honourable Gurdon Saltonstall, Esq^r^, Governour.

Nathanael Stanly, Esq^r^, Richard Christophers, Esq^r^, William Pitkin, Esq^r^, John Alling, Esq^r^, Joseph Curtis, Esq^r^, Mathew Allyn, Esq^r^, Peter Burr, Esq^r^, } *Assistants.*

Whereas there was an order made at this board, on the 31st of July, 1711, for the sending Mr. Christopher Christophers of New London, then forthwith to Boston, to buy sundry stores for the better fitting out the expedition against Canada, and that the treasurer should deliver to the said Christophers, out of the Colonys money, the sum of fifty pounds for purchasing the said stores; and that the said Christopher Christophers, upon his return, should render an accompt to this board of what he should do therein: And whereas the said Christopher Christophers hath now given an account to this board that he hath not laid out any of the said fifty pounds, money, and prays an order of this board may be made to direct him to deliver the same to the treasurer again for the Colonys use: It is therefore ordered, that the said Christopher Christophers do forthwith deliver the said sum of fifty pounds, money, to Capt. Joseph Whiting, treasurer, for the use of this Colony, and take his receipt of the same, which shall be his discharge. And it is also ordered, that the auditors of the Colonys accounts do take notice of these orders as need shall be.

Whereas there was an order made at this board on the first day of March, 1710–11, that one hundred and fifty barrels of pork should then forthwith be bought for the use of this Colony, to be ready in case of need on any expedition against the enemy; and pursuant thereunto, Major Samuel Eells was imployed (by the Hon^ble^ the Governour) to buy and purchase some part of the said pork, and for that end received of the treasurer, out of the Colony treasury, the sum of

three hundred and twenty pounds, money, and delivered out the same money for the purchasing of pork accordingly, all but the sum of fifteen pounds nineteen shillings and six pence, which is now remaining in his hands: It is therefore now ordered and resolved, that the said Samuell Eells do forthwith deliver the said sum of fifteen pounds nineteen shillings and six pence, money, to Capt. Joseph Whiting, treasurer, for the use of this Colony; and it is also ordered, that the gentlemen now upon the audit of the Colonys accounts, do observe and take notice of these orders as need shall be.

Whereas Col° William Whiting hath lately hired Francis Winnce, with his sloop and hands, at Albany, to bring from thence to Newhaven sundry of the officers and souldiers of this Colony that were sick there and unable to travel home by land, and also some of the stores of this Colony: It is therefore ordered and resolved, that the treasurer do deliver out of the Colony treasury to Mr. Roger Woolcott, commissary, the sum of thirty pounds, money, for the paying off the said Francis Winnee, for his said voyage and service done for this Colony, and fitting his sloop for the same.

At a Meeting of the Governour and Council at Newhaven, October 25th, Anno Dom. 1711.

Present,

The Hon^{ble} Gurdon Saltonstall, Esq^{r}, Governour.

Nathanael Stanly, Esq^{r},	Peter Burr, Esq^{r},	*Assistants.*
John Hamlin, Esq^{r},	John Alling, Esq^{r},	
William Pitkin, Esq^{r},	Samuel Eells, Esq^{r},	
Joseph Curtis, Esq^{r},	Mathew Allyn, Esq^{r},	
	Joseph Talcott, Esq^{r},	

It is agreed, ordered, and resolved, that a new stamp shall be made and cut of the seal of this Colony, suitable for the sealing upon wafers, and that a press be provided with the necessary appurtenances, for that purpose, as soon as may be, at the cost and charge of this Colony, to be kept in the secretarys office.

Whereas the Hon^{ble} the Governour, John Hamlin, Esq^{r}, Richard Christophers, Esq^{r}, and Samuell Eells, Esq^{r}, by an act or order of the General Assembly of this Colony, are appointed to procure a Guard Sloop: It is therefore ordered and resolved, that the treasurer do deliver to the said John Hamlin, Esq^{r}, or to any other person of the abovesaid committee, the sum of one thousand pounds of the bills of credit in the treasury, to be improved by the said committee for the service aforesaid; and that the said committee do render their accompt of their disposal of the said money to the General Assembly in May next.

At a Meeting of the Governour and Council at Newhaven, October 26th, Anno Dom. 1711.

Present,

The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.

John Hamlin, Esq^r^,	Peter Burr, Esq^r^,	} *Assistants.*
William Pitkin, Esq^r^,	John Alling, Esq^r^,	
Joseph Curtis, Esq^r^,	Mathew Allyn, Esq^r^,	

Caleb Stanly, Esq^r^, *Secretary.*

It is agreed and ordered, that letters of attorney be procured from Mr. Francis Whitmore of Middletown, and Mr. ——— Stone of Guilford, masters of the two sloops that were seized at Road Island sometime in or about the month of November last, to enable some gentleman in Great Brittain to appear at the High Court of Admiralty in Doctors Commons, there to answer for them upon the appeal of Mr. Kay, collector, upon his appeal home, which is concluded to be answered and managed there at the cost and charge of this Colony.

It is agreed, that the Hon^ble^ the Governor be desired, and he is requested forthwith to go to Boston, there to advise and consider what is best to be done about the matters of the Agency left in the hands of Sir Henry Ashurst, our late agent, deceased, and to pursue the proposals contained in a scheme or draught about the same, that was laid before the General Assembly in this instant month October. And that his Honour do remit to such gentleman as he shall think meet to intrust with our said affairs, the sum of fifty pounds, sterling money, and draw an order upon the treasurer for so much of our money as will answer the same.

Ordered, that the treasurer do deliver out of the Colony treasury to the Hon^ble^ the Governour, the sum of twenty pounds, money, for the defraying his Honours charges in his journey to Boston upon the publick business of the Colony.

Agreed, that the Hon^ble^ the Governour be desired, and he is requested to endeavour an agreement with the governments of our neighbour Provinces to settle a garrison of men in some of the castles of the Five Nations, and to procure them to act offensively against the French enemies and their Indians, according to an order of the General Assembly last holden at New Haven.

Whereas the gentlemen officers from Great Brittain, who served in the regiment of this Colony in the late expedition against Canada, have represented to this board that they are commanded forthwith to repair to Great Brittain, and desire that what is yet behind of the pay in the respective posts wherein they served may be made out to them: This board, considering their good service, do order that the commissary, Mr. Woolcot, do forthwith under his hand certifie to the Governour and Secretary what the said officers have each of them received; and that what appears to be due to them for their serving in those posts, according to the allowance of the government, (those

sums received being deducted,) be forthwith paid to them; and that the secretary do sign an order to the treasurer for their said respective sums.

At a Meeting of the Governour and Council in New London, October the 30th, Anno Domini 1711.

Present,

The Hon^{ble} Gurdon Saltonstall, Esq^{r}, Governour.

Daniel Wetherell, Esq^{r},	Robert Lattemore,	*Freemen.*
Richard Christophers, Esq^{r},	John Picket,	
Jonathan Prentts, Esq^{r},	George Denison,	
John Plumbe, Esq^{r},		

Capt. William Ely of Lyme, Mr. Samuel Rogers and Capt. John Prentts of New London, made application to this board setting forth that they, the said Ely and Rogers, had each of them a hogshead of rum seized by John Shackmaple, Esq^{r}, collector of her Majesties customs in this Colony, and now in his possession; as also the said Prentts did set forth that there was another hogshead of rum seized in like manner, by the said Shackmaple, which hogshead he did affirm to belong to Capt. John Hamlin of Middletown, and desired a replevin for the said hogsheads: Resolved, upon the hearing of the above-mentioned application and the arguments offered upon it, not to grant the replevin desired.

At a Meeting of the Governour and Council in New London, October the 31st, Anno Domini 1711.

Present,

The Hon^{ble} Gurdon Saltonstall, Esq^{r}, Governour.

Daniel Wetherell, Esq^{r}	John Richards,	*Freemen.*
Richard Christophers, *Assistant,*	James Rogers,	
Jonathan Prentts, Esq^{r},	George Denison,	
John Plumbe, Esq^{r},		

The Governour communicated a letter which he received this day by express from Coll^{o} Dudly, inclosing an Act of the Governour, Council and Assembly of her Majesties Province of the Massathusets Bay, appointing the pilots of that Province, that served on board the men of war in the late expedition against Canada, to proceed in the Adventure, man of war, to Great Britain, and proposing that Mr. Mayhew of New London, who was a pilot on board one of her Majesties ships in that expedition, be procured to go over in like manner, that the pilotage of the late expedition to Canada may be

truly and fully represented to her Majestie, and that there may be pilots ready in case her Majesty shall see meet to renew the expedition; and desired the opinion of the Council, whether it be not meet thereupon to convene an Assembly in this Colony with all possible dispatch.

Resolved, (nemine contradicente,) that the Governour issue out an order for convening an Assembly at Hartford, on Saturday, the third day of November next, by eight of the clock in the morning.

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[182] *CONNECTICUT COLONY.*

A General Assembly, (called by special order of the Honourable the Governour and Council, and) holden at Hartford, on Saturday, the 3d day of November, in the tenth year of the reign of our sovereign Lady Anne, Queen of Great Brittain, &c. Annoque Dom. 1711.

Present at this Assembly were,

The Honourable Gurdon Saltonstall, Esq^{r}, Governour.

Assistants,

Nathanael Stanly, Esq^{r},
John Hamlin, Esq^{r},
William Pitkin, Esq^{r},
John Haynes, Esq^{r},
Samuell Eells, Esq^{r},
Mathew Allyn, Esq^{r},
Joseph Talcott, Esq^{r},

Deputies or Representatives that were present and attended at this Assembly were as hereafter followeth: that is to say,—

Capt. Aaron Cooke, Mr. Nathanael Hooker, for Hartford.
Mr. Samuel Bishop, Mr. Nathanael Yale, for Newhaven.
Mr. John Richards, for New London.
Capt. Joseph Platt, Mr. Samuel Comstock, for Norwalk.
Mr. Samuel Buell, for Killingworth.
Mr. Joshua Ripley, Mr. Jonathan Crane, for Windham.
Mr. Abra. Brounson, for Lyme.
Mr. Timothy Stanly, Mr. Thomas Judd, for Waterbury.
Capt. Abra. Fowler, Mr. Caleb Leet, for Guilford.
Mr. Daniel Braynerd, Mr. James Braynerd, for Haddam.
Mr. Joseph Phelps, for Simsbury.
Capt. John Hall, Mr. Thomas Ward, for Middleton.
Capt. Samuel Hall, for Wallingford.
Mr. John Stanly, Mr. Sam^{l} Wadsworth, for Farmington.
Mr. Joseph Peck, Mr. Zach. Baldwin, for Milford.
Mr. Roger Woolcott, Capt. Timothy Thrall, for Windsor.
Mr. Benjamin Curtis, for Stratford.

Mr. Edward Barker, for Branford.
Mr. Caleb Seward, for Durham.
Mr. Joseph Minor, for Woodbury.
Mr. Samuel Hale, Mr. Tho. Kimberly, for Glassenbury.
Mr. Robert Chapman, Mr. William Parker, for Saybrook.
Capt. William Clark, for Lebanon.
Mr. John Morgan, sen^{r}, for Groton.
Capt. Manassa Minor, for Stonington.
Mr. Joshua Whitney, for Plainfield.
Mr. John Riggs, for Derby.
Capt. Robert Wells, for Wethersfield.
Mr. Michael Taintor, for Colchester.

Capt. Abraham Fowler, Speaker, } of the House of Repre-
Mr. Roger Woolcott, Clerk, } sentatives.

The gentlemen members of both Houses being met together, by the order of the Honourable the Governour, his Honour declared unto them, that upon consideration of the matters contained in several letters that he had received since the rising of the Assembly at Newhaven in October last, from his Excellency Governor Dudley, and the Honourable Francis [183] Nicholson, Esq^{r}, and others, || referring to the disappointment of the expedition lately formed against the French enemy in North America, and the hazardous state and condition of the frontier parts of New England thereupon, (which letters his Honour the Governor now laid before this Assembly,) his Honour with the Council thought it necessary to call this Assembly to meet together at this time, further to consider what is best and most proper to be done in those affairs; and also to consider what is the best way and manner to lay before her Majestie (with our neighbouring governments,) a full and clear account of the reason of the fleets returning back from the said expedition, the last summer, without proceeding to Quebeck; that so her Majestie may be moved (if in her royal wisdom she shall see it meet,) to renew the said expedition the next summer. And the Honourable the Governor recommended the premises to the consideration of this Assembly accordingly.

The Governour, Council and Representatives, now in General Court assembled, upon consideration of the state of this Colony and those adjoyning, since the disappointment of the late expedition against Canada, &c., do judge it to be a matter of the greatest consequence to have the said expedition renewed the next summer, on which behalf they have addressed her Majestie already; and that it may conduce thereunto, to have a true, full and clear account of the reason of the fleets return-

ing from the river of St. Laurence the last summer, (without proceeding to Quebeck,) laid before her Majestie; as also to have pilots ready in Great Brittain, in case her Majesty should see meet, in her royal wisdom, to order a fleet from thence direct to Quebeck, without putting in at Boston,—do order and resolve, That Mr. John Mayhew of New London, mariner, who was a pilot of one of her Majesties ships in the said expedition, and the only pilot from this Colony, shall forthwith proceed to Great Brittain, by the first good opportunity; and if it can be, in the same ship wherein the pilots in that expedition belonging to her Majesties Province of the Massachusetts Bay take their passage on the same design, at the cost and charge of this Colony, to be allowed for it out of the treasury.

The aforegoing record of this Assembly was read in the presence of both Houses, and ordered to be signed by the Secretary as perfect and compleat.

Test. CALEB STANLY, Secretary.

November 3d, 1711. This Assembly was adjourn'd until the Governor, or Deputy Governor, shall see cause to call them to meet again.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, DECEMBER THE 27TH, ANNO DOMINI 1711.

Present,

The Honourable Gurdon Saltonstall, Esq[r], Governour.

Daniel Wetherell, Esq[r].

Richard Christophers, Mathew Allyn, } *Assistants.*

Jonathan Prentts, Esq[r],
John Plumbe, Esq[r],
George Denison.

The opinion of the Council is, that a small scout of ten or twelve men be posted about thirty or forty miles above Deerfield, upon some eminence, for the discovery of the enemy, until such time as the approach of the spring render it impracticable for them to come in a body.

Agreed, that four men be fitted out of this government to make a part of that scout, and to be allow'd three shillings and four pence per day in money, and a duffells blanket each of them; and if volunteers do not offer upon these terms, that then the major of Hartford county shall issue out his warrant for impressing of them, and that a person of conduct be one of them, who shall be allowed eight pence more per diem, for his care of the rest.

Agreed, that the major of the county of Hartford, together with the committee of war for the same county, shall concert with Col° Patridge and give order for raising and furnishing out the above part of the said scout, with what shall be further necessary relating to their support and direction from time to time.

Ordered, that it be recommended to the committee of war in the county of Hartford to take effectual care that the stores of snow shoes and mogisons, formerly appointed by the General Assembly in that county, be forthwith put into a good condition for use, either by repairing the old, or procuring new ones, as they shall judge meet; and that they give advice, as soon as may be, to this board, of their proceedings therein, and the state of that affair; and that the above minutes of the Council be copied by the clerk and transmitted to the committee of war in Hartford.

Capt. Joseph Aspinwall of New York his account of the charge of Capt. Crane's funeral, amounting to nineteen pound eleven shillings and six pence, was laid before this board and allowed, and an order given thereon to the treasurer for the payment thereof.

Memorandum. That it was agreed with John Mayhew, pilot, in order to his going with the Hon^ble^ L^t^ Gen^ll^ Nicholson to Great Britain, that he should have 28^ll^ here, which was accordingly paid him, and that he should receive 30^ll^ sterling in England upon his arrival there; which was provided for by a bill of exchange; and this was to be his full satisfaction for six months commencing from the time of his coming from his own home at New London, which was the day of November, 1711; and if when the said six months were expired, he should, by being taken by the enemy, or by any other providence, be prevented from returning to his own family, without being employed in her Majesties service as a pilot to Canada or otherwise, with his own consent, he shall be further allowed from the end of the said six months 7^ll^ per month until he shall arrive at his own home.

G. SALTONSTALL.

At this time a whole day.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JANUARY THE 11TH, 17$\frac{11}{12}$.

Present.

The Hon^bl^ Gurdon Saltonstall, Esq^r^, Governour.

Daniel Wetherell, Esq^r^,
Richard Christophers, *Assistant.*
Jonathan Prentts, Esq^r^,
Roger Wilcot, }
John Richards, } *Freemen.*
George Denison, }

The Commissary, Mr. Roger Wolcot, pursuant to an act of the General Assembly in October last, laying before this board the pay rolls of the regiment of this Colony that served under the command of the

Hon^ble Coll. W^m Whiting in the expedition against Canada the last summer, together with an extract in two books of several sums due to the officers and soldiers in the said regiment, amounting in all to the sum of 1496*l.* 08*s.* 5*d.*: The said accounts being examined and approved in Council, it is agreed that an order be made to the treasurer for the payment of the said sums to each officer and souldier respectively, with this addition, that he make no payment to those who are noted in the said books as not having returned her Majesties arms, till they shall put the said arms into his custody, and it is also agreed that the Governour sign the said orders.

It is agreed, that the several sums due to Capt. Peter Mason and his company in the above mentioned accounts, which in all amounts to one hundred thirty nine pounds thirteen shillings and seven pence, shall be paid to the said Mason, who shall pay the respective sums to the respective officers and soldiers of his company and give a receipt of the said sum for the said use, and that an order be made out to the treasurer accordingly.

Lieut. John Richards laid before this board an account of the charge of the watch in New London for forty six nights in May and June last, ordered by the Governour, which charge amounts to the sum of ten pounds seven shillings in the whole; which account is allowed of, and it is agreed that an order be drawn on the treasurer for the payment thereof to the said Lieut. Richards, who shall pay the same to the respective persons that did the service.

Christopher Darrow of New London presented to this board an account for his riding post from New London to Rye, the balance of which account, that is allowed, is 8*s.* and 6*d.*

2 *days at this time.*

At a meeting of the Governour and Council in New London, January the 14th, 171½.

Present,

The Honourable Gurdon Saltonstall, Esq^r, Governour.

Daniel Wetherell, Esq^r.

Richard Christophers, *Assistant.*

Jonathan Prentts, Esq^r,

Roger Wilcot, John Richards, George Denison, } *Freemen.*

Upon the deaths of Maj^r John Chester and Mr. Caleb Stanly, Secretary, two of the committee appointed by the General Assembly for the signing of the bills of credit emitted by an act of the said Assembly in June last, and there being a considerable number of said bills still to be signed: [It] is ordered, that Richard Lord, Esq^r, and Mr. Hezekiah Willis of Hartford, be added to that committee, and that they, having taken the oath appointed for that committee by the said Gen-

eral Assembly, shall assist in signing and perfecting of the said bills and delivering them to the treasurer, and that any two of the Assistants do administer the said oath unto them, making a return of their proceeding therein to this board.

For the supply of the vacancy in the secretary's office by the death of Mr. Caleb Stanly, Richard Lord, Esq^{r}, of Hartford, is elected and appointed Secretary of the Colony until the election in May next;* and the assistants living in the town of Hartford, or any two of them, are hereby impowered to administer the secretary's oath to him and put into his hands the publick books and papers of the secretarys office, making return of their proceeding therein to this board.

For the further enabling the Committee of War in the county of Hartford to have three hundred men in the towns of Hartford, Weathersfield, Windsor, Farmington, Glassenbury, and Symsbury, ready to march with snow shoes in case of an attack by the enemy in a large body on the frontiers: It is hereby ordered, that the said committee having at the publique charge repaired or provided anew, as there may be occasion, three hundred snow shoes and mogisons, shall draw out of the several trainbands in the said towns three hundred persons, fit and able to march with snow shoes, proportioning the quota to be drawn out of each trainband to the numbers of the souldiers contained in them; and the major of said county, (who is one of the committee,) is hereby commanded to issue out orders for that end to the respective officers of the said trainbands; which three hundred souldiers shall be fitted with the said snow shoes and mogisons, the mogisons being after every days exercises of said souldiers left in the hands of the chief military officer in each town, and the snow shoes preserved by the soldiers themselves; who shall be put under the command of such officers as the said committee shall think meet, by filling up the blanks sent them by the Governour; and there shall be sufficient stores of bread provided by the said committee for a sudden march of the said troops; and the soldiers, so enlisted and provided, shall for their encouragement be freed from attending the musters of their respective trainbands the ensuing summer, each of the times they shall be called in this winter season by their respective officers to exercise on their snow shoes being allowed to pass for a training day. And it is further ordered, that the commission officers, who shall be so appointed as above, shall, at the direction of the said committee, march with the men so put under their command upon any attack or notice of the approach of the enemy, on the frontiers of this Colony, or the county of Hampshire.

At this time half a day.

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* Mr. Stanly died January 4th, 1711–12, aged 37, and his successor, Mr. Lord, on the 29th of the same month, aged 42. Cotton Mather preached a sermon at the Boston lecture, Jan. 24th, 1711–12, printed in 1712, entitled "Some seasonable thoughts upon mortality; a sermon occasioned by the raging of a mortal sickness in the Colony of Connecticut, and the many deaths of our brethren there," in which he says, "The mortality has remarkably fallen upon two sorts of persons. . . . First, many useful men, men of some station and figure. . . . . Secondly, many young, and strong, and hearty men, men likely to have lived many a day, have been carried off; and very suddenly too, with very little warning."

At a meeting of the Governour and Council in New London, January the 16th, 171½.

Present,

The Hon^ble Gurdon Saltonstall, Esq^r, Governour.

Daniel Wetherell, Esq^r,
Richard Christophers, *Assistant.*
Jonathan Prentts, Esq^r,
Roger Woolcot, John Picket, George Denison, } *Freemen.*

Mr. Commissary Wolcot presented to this board an account of debt and credit between him and this Colony, the balance wherof is fifty four pounds and a penny due to him from the Colony, which account hath been examined in Council and is allowed of; and it is agreed that an order be drawn on the treasurer for the payment of the aforesaid balance of fifty four pounds and a penny to him the said commissary.

The said commissary also laid before this board the following account of what the Colony is indebted to sundry persons, for goods taken up of them for the souldiers, and charged to said souldiers respective accounts, viz:

	l.	*s.*	*d.*
To Philip Livingston of Albany, - -	106	4	9
To the estate of Mr. Nathaniel Hooker of Hartford,	000	8	6
To Samuel Tudar of Winsor, - - -	000	15	0
To Ammy Trumble of Winsor, - -	002	15	10
To Eliphalet Dickinson of Weathersfield, -	002	02	0
To Capt. Peter Mason, - - -	006	08	10
To John Bradly of Newhaven, - - -	001	09	0
To the estate of Daniel Miles of Newhaven,	000	16	6

And it is agreed, that an order be drawn on the treasurer for the paying the aforesaid persons the respective sums due to them.

Mr. Jonathan Prents presented an account of the stores in his custody, which account was examined, and there is due to him upon balance, fourteen shillings and eight pence.

At this time half a day.

At a Meeting of the Governour and Council in New London, February the 5th, 171½.

Present,

The Hon^ble Gurdon Saltonstall, Esq^r, Governour.

Daniel Wetherell, Esq^r.
Richard Christophers, *Assistant.*
Jonathan Prentts, Esq^r.
John Plumbe, Esq^r.
Jonathan Starr, George Denison, } *Freemen.*

His Honour the Governour laid before this board the account of Mr. Jeremiah Dummer of Boston, with this Colony, for the whole charge of printing 6550 sheets of bills of credit, to the value of ten thousand pounds, as also for ten hogsheads of bread bought for the Colonies use and disposed of again, and for some tyn kittles, which accounts have been examined, and there is due to said Dummer thereon the sum of 144*l* 1*s* 2*d*: And whereas it appears per said accounts, that there is left of the paper taken up for printing the bills of credit, eight reem wanting two quire, which comes to between fourteen and fifteen pounds: It is now ordered, that the said paper be returned to Mr. Philips of whom it was taken, and that what it comes to be taken out of the 144*l* 1*s* 2*d* due to Mr. Dummer, and that the remainder of said 144*l* 1*s* 2*d* be payd said Dummer out of the Colony treasury, and that an order be drawn on the treasurer accordingly.

The paper returned comes to 14*l* 7*s* 1*d*, which diducted out of the 144*l* 1*s* 2*d*, there remains due to him 129*l* 14*s* 1*d*.

At a Meeting of the Governour and Council at Hartford, February 15th, 171½.

Upon consideration of the danger of the county of Hampshire from a body of the enemy, which may be expected to attack them in a short time: Ordered, that 2 companies of the detach'd men, (with snow shoes, in the county of Hartford,) do march immediately to Col° Partridge at Hatfield, to be improved there for the defence of the county of Hampshire, and particularly by posting some of them, in conjunction with such as Col° Partridge shall joyn them with, in some convenient place or places, above the scout now stated 30 miles above Deerfield, to discover the approach of the enemy; and that Major Talcott do forthwith issue out orders for drawing out the said 2 companies, out of the said detach'd men, and the best effective men.

There were present at this Council,

The Governour.

Nath. Stanly, John Haines, } Esq^rs, *Assistants.*
W^m Pitkin, Joseph Talcot, }
John Eliot, Esq^r,
Capt. Aaron Cook.

At a Meeting of the Governour and Council at Hartford, February 16th, 171½.

Present,

The Governour.

Nath. Stanly, John Haines, } Esq^rs, *Assistants.*
W^m Pitkin, Joseph Talcot, }
John Eliot, Esq^r.

John Haines and Joseph Talcott, Esq^r, Assistants, certified to this board that they did on ————————, administer the proper oath to Rich^d Lord, Esq^r, since deceased, and Capt. Hezekiah Willis, as appointed to sign the bills of credit of this Colony, pursuant to an order of this board of the 14th of January last.

Upon the decease of the above-mentioned Richard Lord, Esq^r, one of the committee for the signing the bills of credit of this Colony, emitted by an act of the Assembly in June last, and several of those bills not being yet signed: It is hereby ordered, that William Pitkin, Esq^r, be added to the said committee, to assist in perfecting the signing of the said bills and delivering them to the treasurer.

William Pitkin, Esq^r, accepting of his election and appointment to be of the committee for signing bills of credit as above expressed, the Governour did thereupon administer the proper oath to him, for the faithful discharge of the trust so reposed in him.

Ordered, that the troop in this county do forthwith muster; and that the commander in chief of the said troop see that they be well provided to march against the enemy at an hours warning.

Ordered, that the treasurer pay to Serjt. Joseph Garret of Weathersfield, the sum of 40 shillings, for his labour in sinking a well at Woodcreek for the use of the troops.

At a Meeting of the Governour and Council at Hartford, February 20th, 17$\frac{1}{2}$.

Present,

The Honourable Gurdon Saltonstall, Esq^r, Governour.

Nathaniel Stanly, }
John Hamlin, }
John Haynes, } Esq^rs, *Assistants.*
Joseph Talcot, }
Coll° William Whiting, } Esq^rs.
John Eliot, }
Mr. Roger Woolcot, *Commissary.*

Upon the petition of John and Thomas Elsworth of Windsor, setting forth the damages they have sustained by certain processes and judgments obtained against them in the inferiour court in the county of Hampshire, within the Province of the Massachusets, for certain facts done by them in the year 1709, in obedience to the lawful commands of her Majesty's authority in this government, and praying relief; the matters laid in the said petition appearing to this board to be true: Ordered, that the treasurer do forthwith deliver to the petitioner, Thomas Elsworth, the sum of fifty shillings, for damages sus-

tained by him as above represented; and an order was signed accordingly.

Ordered, that the petitioners shall be allowed out of the publick treasury whatsoever sums may be exacted from them by virtue of the above-named processes and judgments.

At a Meeting of the Governour and Council at Hartford, February 21st, 17$\frac{1}{2}$.

Present, The Honourable Gurdon Saltonstall, Esq^{r}, Governour.

Nathaniel Stanly, Joseph Talcot, } Esq^{rs}, *Assistants.*
John Hamlin, John Haynes, }
John Eliot, Esq^{r}.
Coll^{o} William Whiting, } *Freemen.*
Mr. Roger Woolcot, *Commissary*, }

Whereas Capt. John Prents, sheriff of the county of New London, has levyed an execution for a fine of twenty pounds upon a certain piece of land of John Rogers, sen^{r}, of New London, by apprizement amounting to twenty and five pounds; five pounds of which is for charges; so that the said land is now the proper estate of this corporation, and at the disposition of the government.

Ordered, that Thomas Jones, sen^{r}, and Thomas Jones, jun^{r}, of New London, shall have the said land in lease for reasonable rent, to be payd to the treasury of this Colony, for the space of one year to commence at the first day of March next.

Ordered, that the treasurer do pay to Capt. John Prentts, the aforesaid sum of five pounds, for the charge abovesaid.

Ordered, that the treasurer do pay to Mrs. Mary Alford of New London, the sum of 48 shillings, which is for the months wages to two Indians in the service of the government the last summer in the expedition against Canada.

Upon the consideration of two letters from Major Myndert Schuyler of Albany, dated December 6th and 14th, giving an account of five of our horses which he sent by Mr. Samuel Ashly of Westfield, (which were delivered by said Ashly to Major Talcot,) with the charge he had been at upon them, amounting to three pounds six shillings and six pence, and of one sorrel horse which he still hath in his custody and would buy; as also of more horses belonging to this Colony, which are still in the neighborhood of Albany: Order'd, that Major Myndert Schuyler shall be payd the said charge of three pounds six shillings and six pence, and that the sorril horse be sold to him according to his desire.

And whereas Mr. Samuel Ashly designs speedily to Albany, it is agreed, that the Governor give him power to demand, receive, and make sale for the use of this Colony, of any horses belonging to this Colony, which he can come at there; with instructions that if he judges it most for the advantage of the Colony to bring them down,

rather than to sell them there, that he bring them accordingly; with such other directions as may be proper. As also that the Governor write to Major Myndert Schuyler to acknowledge his care in this affair, and desire his further care to get what horses may be yet in those parts, if it can be done so as to save anything for the government.

Order'd, that the treasurer do pay to Mr. Dutch of Ipswich, pilot in the Mary Gally to Port Royal, the debenture formerly made out to him by the committee for accompts, which is not yet paid him.

Upon consideration of the act of the Assembly in May last, to provide for the safety of our coasters: It is agreed, that pursuant thereto and by the persons therein authorized, that provision be speedily made in conjunction with the government of Rhode Island, and if that government declines it, then by a sloop, hired, victualled, fitted, and manned at the charge of this government, to continue in that service as long as the Assembly in May next shall see meet; and that no coasters be suffered to sail without convoy.

Upon the treasurer's representation that the bills of credit of the last ten thousand pounds emitted, remaining in the treasury, are not sufficient to pay all the demands that may be probably made on the treasury before the Assembly in May next, and desiring the direction of this board as to the order of payments to be made by him in the mean time: Order'd, that the treasurer do advance in the first place the several sums necessary ordered to Mr. Dummer for the charge of printing said bills; for the provision of a guard-sloop; for laying in a store of sixty or 70 barrels of pork, which is now agreed to be procured in case of an expedition; for the procuring of stores in the late expedition and for the payment of the wages of the troops in that expedition; and if afterwards any bills remain in the treasury, he shall satisfy the creditors of the government as they come with their demands, leaving the rest to be payd by such provision as the Assembly shall order in May next.

Order'd, that the treasurer do pay to Mr. Philip Livingston, or his order, the sum of twenty pounds and eleven pence, for certain payments made by him to several persons in Major Burr's, Capt. Crane's, and Capt. Ward's company; as also to Mr. Edwards, chaplin in the expedition of the last summer against Canada; which several payments are subducted out of the debentures made out to the said persons.

Memd. That the persons under named, for whom debentures are not yet made out, have received of the said Livingston the sums respectively annexed, which are to be subducted out of their accounts when their debentures are made out, viz:

	l.	*s.*	*d.*
David Tillotson, - - - -	00	07	00
John Chaddock, - - - -	01	06	03
John Graves, - - - -	00	06	00

Memd. Alexander Lane hath received of said Livingston 1*l* 9*s* $4\frac{1}{2}d$, which hath been payd to Lt. Coll° Levingston. John James hath received of Philip Levingston 7*s*, but there is nothing due to him from the government.

The commissary presented an account of wages due to several centinels, for which debentures are not yet made out, viz:—

	l.	*s.*	*d.*
To Mr. Roger Woolcot, for wages paid by him to Samuel Evans of Windsor, - - - - - -	05	00	04
To John Frost of Norwich, - - -	06	00	10
To Serjt. Merry of Lime, - - - -	07	00	10
To Serjt. Ichabod Warner of Lebanon, - -	09	04	07
To Commissary John Whiting, for expenses on the troops that first march'd from New Haven to Albany, after they got into the county of Albany, - - - -	03	10	00
To Mr. Commissary Woolcot, for expences on his horse,	00	04	02
To Daniel Rily of Wethersfield, wounded with the cut of his foot; for 5 days short of his account of wages, 8*s* 4*d*; for his expences home, 8*s*, - - - - -	00	16	04

Ordered, that the treasurer pay to the respective persons abovenamed the several sums annexed to their names.

Ordered, that the treasurer pay to Mrs. Mary Alford the sum of seven shillings and six pence, which is for so much short payd her on the account of repacking of pork.

It is agreed, that John Haynes, Esq[r], take care and charge of the publick books and papers of the secretary's office, and serve in the place and office of a secretary till the election in May next; and the secretary's oath was thereupon administred to him.

At a Meeting of the Governor and Council at Hartford, February 25th, 17$\frac{1}{2}$.

Present, The Honourable Gurdon Saltonstall, Esq[r], Governor.

Nathaniel Stanly, Esq[r],
John Haynes, Esq[r], } *Assistants.*
Joseph Talcot, Esq[r],

Capt. Joseph Whiting,
Coll. William Whiting, } *Freemen.*
Capt. Hezekiah Wyllys,

Upon consideration of the records of the proceedings of the inferiour court of the county of Hampshire, holden at Northhampton the first Tuesday of March to the third Tuesday, being the 21st day, 1709–10, in an action of trespass against John Elsworth of Windsor; it appearing that the said Elsworth not appearing at the said court, the said court did (without any enquiry or verdict of a jury) judge the said Elsworth to pay Obadiah Abby and others, complainants in the behalf of the town of Enfield, the sum of fifty pounds damages and forty shillings costs of court: The Council is of opinion, that there is manifest error in the said process and judgment, and desire the Governor to write to and retain some fitting attorney in Boston to

take out a writ of error in the said Elsworth's name, and prosecute the same to obtain a reversion of the said judgment. This to be done at the publick charge.

At a Meeting of the Governor and Council at Hartford, March 18th, 1712.

Present, The Honourable Gurdon Saltonstal, Esq[r], Governour.

Nathaniel Stanly,
John Hamlin,
William Pitkin,
Peter Burr,
John Haynes,
Samuel Eels,
Joseph Talcot,
} Esq[rs], *Assistants.*

Ordered, that Lieut. William Crocker of New London, be forthwith dispatcht with a party of volunteers, not exceeding fifteen men, (if they can be obtain'd,) consisting of English and Indians, to march into the Province of Hampshire, to joyn with the scout that shall be sent from thence up to Coasset, to meet with the Indian enemy, (if it may be,) that according to information are hunting in those parts.

At a Meeting of the Governor and Council at Hartford, March 21st, 1712.

Present, The Honourable Gurdon Saltonstal, Esq[r], Governour.

Nathaniel Stanly,
John Hamlin,
William Pitkin,
John Haynes,
Samuel Eels,
} Esq[rs], *Assistants.*
Coll. William Whiting.

Ordered, that the treasurer pay to Joseph Chamberlin of Colchester, the sum of one pound and thirteen shillings, for his entertainment of the French embassadors in their journey to and from New London in March, 1711.

Ordered, that the treasurer pay to Mr. Jeremiah Dummer of Boston, the sum of one hundred twenty and nine pounds fourteen shillings and one penny out of the publick treasury, for balance of an account sent up, examined and allowed.

It is ordered, that the treasurer shall pay to the several persons hereafter named, the several sums affixed to their names respectively, as here follows:

	l.	s.	d.
To Capt. Moses Dimon of Fairfield, - - -	00	06	08
To Benjamin Cornwel of Middletown, - -	06	13	04
To John Allen of Middletown, - - -	07	10	08
To Samuel Byssel of Windsor, through the commissarys charging him with a months pay, when he hath not re-received it, - - - - - -	02	06	08
To Jacob Ordoway of Lebanon, - - -	00	09	01
To Timothy Porter of Hartford, - - -	04	03	04
To Desborough Spenser, additional wages as serjt.,	01	17	11

At a Meeting of the Committee for providing a Guard Sloop, at New London, March 29th, 1712.

Present,

The Governour.

Capt. Hamlin,
R[d] Christophers, } Esq[rs].
Sam[ll] Eells,

Rhode Island government refusing to be concerned with us in a convoy sloop, for the first fleet of coasters appointed to make up here: It is agreed, that one hundred pounds of the money separated for this service, be advanced for the procuring of a Guard Sloop for the first fleet of coasters, if it can be got in any season; and the Governour is desired to procure one on these terms.

If this fails, it is agreed that a man be sent to Rhod Island and eastward, to endeavour the settlement of a way for quick intelligence to be given hither, of any privateers that may be in Martha's Vineyard Sound, to prevent our coasters from falling into their hands.

New London, April 8th, 1712.

Capt. Danll Witherell, Esq[r].
Rich[d] Christophers, Esq[r].
Mr. Nehemiah Smith,
Mr. John Plumb, } *Justices.*
Mr. Jonathan Prents,

Consented to a brief for collecting a sum of money to be gathered by Capt. Joseph Sexton of Stoningtown, and Capt. John Babcock of Westerly, for the building a good cart bridge over Paukatuck River; to be erected and finished within a eighteen month.

G. Saltonstall.

At a Meeting of the Governour and Council in New London, May the 6th, 1712.

Present, The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.
Daniel Wetherell, Esq^r^.
Richard Christophers, Esq^r^.
Jonathan Prentts, Esq^r^.
John Plumbe, Esq^r^.
Lieut. John Richards.
George Denison.

Ordered, that the treasurer of this Colony pay the several sums hereafter mentioned, viz:

	l.	*s.*	*d.*
To Daniel Wetherell, Esq^r^, for tending in the Council ten times, - - - - - - -	1	10	0
To Richard Christophers, tending in Council ten times,	1	10	0
To Jonathan Prentts, Esq^r^, nine times, - - - -	1	02	0
To John Plumbe, Esq^r^, six times, - - - -	0	12	0
To George Denison, seven times, - - - -	0	16	6
To Lieut. John Richards, three times, - - -	0	07	6

The masters of the coasting sloops now lying in this harbour, prefered to this board a petition under their hands, praying for liberty to proceed on their voyage, for as much as the convoy is not yet come, and it being uncertain when she will come, and for other reasons therin set forth. This board, having considered the said petition, do thereupon order, that if the convoy sloop do not arrive in this harbour from Boston by six of the clock tomorrow morning, (the wind being now easterly,) the said coasters may then take their own time, and proceed on their voyage with the first fair wind.

Ordered, that Lieut. Richards, who has advanced to provide watchmen to attend the military watch in this town, the sum of seven shillings, as appears per his account now produced and allowed by this board, be payd out of the treasury the said sum of 7*s*. And whereas the said Lieut. Richards has supplyed the place of other delinquents mentioned also in the said account, and has payd those that served in their room: Ordered, that the commission officers of the several companies to which the said delinquents belong, do forthwith issue out the proper orders for recovering the said fines of the said delinquents according to law, and that out of them they pay to the said Lieut. Richards what he has advanced to supply such their defects.

Ordered, that the treasurer pay to Daniel Wetherell, Esq^r^, twelve shillings, for storeage of the country arms for two years.

An account of those which were delinquent in their turns in watching:

Serjt. Stephen Prents, 1 night.
Thomas Jeggels, one.
Phenice Thomas, one.
Thomas Willey, one.
Matthew Coy, one.
Richard Brewster, one.
Stephen Maple, one.
Eben^r^ Bennet, one.
Sam^ll^ Fox, one.

[184] *CONNECTTICUT COLONY.*

AT A GENERAL ASSEMBLY AND COURT OF ELECTION, BEGUN AND HOLDEN AT HARTFORD, IN HER MAJESTIES COLONY OF CONNECTTICUT, IN NEW ENGLAND, ON THE 8TH DAY OF MAY, IN THE ELEVENTH YEAR OF THE REIGN OF OUR SOVEREIGN LADY ANNE, QUEEN OF GREAT BRITAIN, &C., ANNOQUE DOMINI 1712, AND CONTINUED BY SEVERAL ADJOURNMENTS TO THE 23D DAY OF THE SAME MONTH.*

Present at this Assembly were,

The Honourable Gurdon Saltonstall, Esq^{r}, Governour.

Assistants,

Nathaniel Stanly, Esq^{r},	John Haynes, Esq^{r},
John Hamlin, Esq^{r},	Samuel Eels, Esq^{r},
William Pitkin, Esq^{r},	Mathew Allyn, Esq^{r},
Richard Christophers, Esq^{r},	Joseph Talcott, Esq^{r}.

Representatives or Deputies that were present at this Assembly are as follows: that is to say,

Coll. William Whiting, Capt. Aaron Cook, for Hartford.
Mr. Samuell Byshop, Mr. Nath^{ll} Yale, for New Haven.
Mr. William Douglass, Mr. John Plum, for New London.
Major John Burr, Capt. Joseph Wakeman, for Fairfield.
Mr. John More, Capt. Tim^{o} Thrall, for Windsor.
Lt. Jonath. Belding, Serjt. John Curtice, jun^{r}, for Wethersfield.
Capt. John Hart, Lt. John Stanly, for Farmington.
Lt. Thomas Ward, John Warner, jun^{r}, for Middletown.
Capt. Thomas Gates, Lt. James Wells, for Haddam.
Mr. James Wadsworth, for Durham.
Capt. Richard Bushnell, Lt. Joseph Bachus, for Norwich.
Mr. John Sherman, Ensign Joseph Minor, for Woodbury.
Mr. James Hooker, for Guilford.†
Mr. Edward Barker, Mr. Nathan^{ll} Johnson, for Branford.
Serjt. Edward Camp, Ensign Samuel Gunn, for Milford.
Lt. Ephraim Minor, Ensign William Gallop, for Stoningtown.
Mr. Joseph Spalding, Mr. Joseph Fellows, for Plainfield.
Capt. Samuell Wells, Lt. Thomas Treat, for Glassenbury.
Mr. John Hopkins, Mr. Abram Andrews, for Waterbury.

* The Journal of the Lower House is not found.

† Capt. Abraham Fowler had also been elected a representative for Guilford, but having been chosen an Assistant at this time, his name is erased on the record.

Mr. Jonath. Bates, Mr. John Stone, for Stamford.
Mr. Joseph Hawkins, for Derby.
Capt. John Merriman, Lt. John Hall, for Wallingsford.
Mr. Michael Taintor, Mr. Joseph Wright, for Colchester.
Capt. John Park, Lt. Dan^{ll} Brewster, for Preston.
Mr. Elisha Pain, for Canterbury.
[185] Capt. William Clark, Lt. Joseph Bradford, for Lebenon.
Capt. John Griswold, Mr. Robert Lane, for Kellinsworth.
Mr. Sam^{ll} Wilcockson, sen^{r}, Mr. Joseph Phelps, sen^{r}, for Symsbury.
Ensign John Colt, Mr. Renald Mavin, for Lime.
Return'd, Capt. John* Hally, Mr. Ambrose Thomson, for Stratford.
Mr. Joshua Ripley, Capt. John Fitch, for Windham.
Capt. James Avery, Mr. Moses Fish, for Groton.
Mr. Josiah Starr, Mr. Abraham Wileman, for Danbury.
Major John Clark, Mr. William Parker, for Seybrook.
Mr. Eben^{z} Meade, for Greenwich.

This day, being the day appointed by charter, and the laws of this Colony, for the Election of the publick officers of this corporation, viz:—the Governour, Deputy Governour, Assistants, Treasurer, and Secretary,—Proclamation was now made in Court, by order of the Hon^{ble} the Governour and Council, and the freemen of this corporation proceeded to give in their votes to persons chosen and appointed by the Governour, Council, and Representatives, to receive and sort them.

The said persons so chosen and appointed were, John Hamlin, Esq^{r}, William Pitkin, Esq^{r}, Samuel Eels, Esq^{r}, Mathew Allyn, Esq^{r}, Col. William Whiting, Major John Burr, Mr. Samuel Byshop, Mr. John Plumb, who were all sworn truly and faithfully to receive, sort, and count the said votes.—And the votes of the freemen having now been brought in, sorted, and counted,—

The Honourable Gurdon Saltonstall, Esq^{r}, was chosen Governour of this Colony, for the year ensuing, and the Governours oath was administred to him, and also the oath required by him to be taken by the act of Parliament, relating to trade and navigation.

The Hon^{ble} Nathan Gold, Esq^{r}, was chosen Deputy Governour of this Colony, for the year ensuing, and the Deputy Governours oath was administred to him.

Nathaniel Stanly, Esq^{r},	John Allyn, Esq^{r},
John Hamlin, Esq^{r},	John Haynes, Esq^{r},
William Pitkin, Esq^{r},	Samuel Eels, Esq^{r},

* It is uncertain whether the reading is John or Joseph.

Joseph Curtice, Esq^r^, Mathew Allyn, Esq^r^,
Richard Christophers, Esq^r^, Joseph Talcott, Esq^r^,
Peter Burr, Esq^r^, Abraham Fowler, Esq^r^,

were now chosen Assistants for this Colony for the year ensuing. And the said Nathaniel Stanly, John Hamlin, William Pitkin, Richard Christophers, John Haynes, Samuell Eels, Mathew Allyn, Joseph Talcott, and Abraham Fowler, Esq^rs^, were sworn Assistants before this Court accordingly.

Capt. Joseph Whiting was now chosen Treasurer of this Colony for the year ensuing.

Hez. Wyllys was now chosen Secretary of this Colony for the year ensuing, and was sworn to that office and trust.

Capt. John Sherman, Speaker, } of the House of Represent-
Capt. Richard Bushnell, Clerk, } atives.

[186] By order of the Hon^bl^ the Governour, the gentlemen members of both Houses being met together, the Governour laid before them sundry letters and writings relating to the publick business and affairs of this Colony, and recommended them to this Assembly.

This Assembly do establish and confirm Mr. John Griswold Captain of the company or trainband in the town of Kellensworth.

This Assembly do establish and confirm Mr. Richard Miles to be Lieutenant of the second company or trainband in the town of New Haven.

Upon the consideration of the petition of the West Division farms in Hartford, praying for an exemption from paying country rates for four years: This Court grants the inhabitants of said West Farms the one half of their country rates for four years; provided it shall be gathered and disposed of for the publick benefit of that society, for the promoting the ministry of the gospel there.

Susanna Bartlet, the wife of Daniel Bartlet of Guilford, and formerly the wife of Samuel Lord, late of Seybrook, deceased, and administratrix on his estate, petitioning to this Court for liberty to sell 20 pounds worth of land belonging to the said Lords estate, for the payment of the like sum due therefrom by bill, there being not moveable estate left to do it, which appears under the hand of the clerk of the court of probate in the county of New London: This Court do thereupon grant liberty, and fully impower the said Daniel Bartlet and Susanna his wife, with the advice of Dea. William Parker of Seybrook, to sell 20 pounds worth of the said Sam^ll^ Lords land for the use aforesaid.

Upon the petition of the town of Canterbury, to have the bounds of the said town run and established, and particularly the line dividing between the said town and the town of Windham, which in a pattent for the said township of Windham, bearing date the 8th of July, 1686, is thus described, viz:—Beginning at the south end of Appaquaog Pond, from thence running eight miles south to a white oak tree marked with the letter B,—and it appearing to this Court, that the said line, if it may be found, ought to be the dividend line between the said towns; and that if the said line cannot be found, that a line be run anew, as near as can be, to the description abovementioned, and the last will of Joshua, an Indian, together with a map made and mentioned by the said Indian in the said will; which shall be and remain the dividend line between the said towns:—This Court do therefore impower and order the Worshipful Mathew Allyn, Esq^{r}, and Mr. John Plumb of New London, to endeavour to find out and renew the said line [187] ‖ and extend it to Norwich bounds; which if they can do, they shall renew and refresh the same with proper marks. But if they can't find the said antient line, they are hereby impowred to run and state the said line [anew, according to the abovementioned directions, and the said line*] thus either renewed or new stated and established by proper marks, returned under the hands of the said persons, to the next General Assembly, and by them approved, shall be entered in the records of this Court, and remain as the dividing line between the said towns. And the said persons are hereby impowred to call in and examine such witnesses as shall be able to inform them, relating to the premises, and to take their testimony on oath if need be. And further, it is hereby ordered, that the charge of the persons abovenamed, in the performance of this service, shall be paid equally by the said towns.

This Assembly do establish and confirm Mr. Thomas Ward to be Captain of the south company, or trainband, in the town of Middletown; Ensign Sam^{ll} Hall to be Lieutenant, and Mr. William Harris to be Ensign of said company.

This Court do establish and confirm Deacon Joseph Rockwell to be Lieutenant of the north company or trainband in the town of Middletown.

Upon the petition of Capt. Samuel Fish of Groton, against Mr. John Edgecomb and his wife Elizabeth, late administratrix of the estate of Joshua Hemstead of New London, pray-

* These words, within brackets, which are necessary to complete the sense, are found in the original bill, Towns and Lands, II, doc. 283, but were omitted in recording.

ing that an action in the common pleas, brought by the said Fish against the said Edgecomb and his said wife, to make good to him, said Fish, the money he paid to them upon a bargain of sale of land to him, said Fish, by her, the said Elizabeth Edgecomb, sold, out of which land the said Fish has been ejected by Joshua Hemstead of New London, with damages, as is more at large set forth in the said petition, (which action was barred by the superior court holden at New London in March last,) may by him the said Fish be prosecuted against the said Edgecomb and his wife; the said Edgecomb having been heard in his pleas against the prayer of the said petition for the said action to proceed against them:—This Court, upon consideration of the arguments alledged on both sides, perceiving the justice desired to be attended with difficulties, and not to be obtained according to the rules of the common pleas, and being desirous that the petitioner may be remedied against the wrong he complains of, according to the indisputable rules of equity, have thought good for that end to order, and it is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, that Richard Christophers and William Pitkin, Esq^{rs}, shall be and are hereby appointed commissioners to make a full enquiry into the matter of the said complaint, the wrong complained of by the said petitioner, so far as it may or ought in equity to be considered and relieved, together with all things and matters appertaining to the same, relating to the administration of the said Elizabeth Edgecomb, or any portions by her paid or sales by her or by him made of the estate of the said Joshua [188] Hemstead, or relating to the last || will of the said Joshua Hemstead, or any actions or doings thereon, or any other matter or thing whatsoever, that have a tendency towards the establishing of what may be found in the whole according to equity. And the said commissioners are hereby impowred to summon, or otherwise by warrant to cause to be convened before them at New London aforesaid, at such time as they shall appoint, all such persons as they shall judge capable of affording them any discovery that may help them to a clear view of the premises, and examine all such persons if need be upon oath. And it is further enacted, that the said commissioners upon such enquiry to examination had, shall present to the General Assembly in October next a full and clear account of the said premises as they shall find them, that the Court, being fully informed and enabled, may decree therein what shall so happen to them to be consistent with justice and equity; provided the Colony shall not be charged thereby.

Upon the petition of Mary Wooster of Derby, widow and relict of David Wooster, late of said place, and administratrix on his estate, for power to sell so much of his land as will pay his debts, which amounts to thirty three pounds, money, there being but thirty two pounds in pay in moveables, which are so necessary for the use of the widow and her children that they cannot be parted withal towards the payment of said debts: This Court do thereupon grant liberty and fully impower the said Mary Wooster, with the advice of Lieut. Coll. Ebenezer Johnson of said Derby, to sell so much of the said David Woosters land as will pay the aforesaid sum of thirty three pounds due from said estate.

An Act for emitting Bills of Credit, for the Publick Debts of this Colony.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there be forthwith emitted a certain number of bills of credit on this Colony, in suitable sums from two shillings to five pounds, which in the whole shall amount to the sum of three thousand pounds, and no more; to be of the bills of credit drawn into the treasury by the rate paid in 1711. And Richard Christophers and John Haynes, Esq^{rs}, and Major John Burr and Mr. John Plumb, are hereby ordered and impowred to deliver the said bills to the value of three thousand pounds to the Treasurer of this Colony, taking his receipt for them.

And be it further enacted by the authority aforesaid, That the said treasurer be and is hereby ordered and impowred to issue forth and emit the said bills towards the payment of the publick debts of the Colony, and the further necessary charge thereof, according to such order as shall be given him from time to time according to law. And the said bills shall pass out of the treasury at the value expressed in the same, equivalent to money, and shall be taken and accepted in all publick payments, at the advance of twelve pence on the pound more. [189] *And be it further enacted by the authority aforesaid*, That as a fund and security for the repayment, and drawing in of the said bills to the treasury again, and for defraying any further charge of the Colony, this Assembly grants a tax or rate of three thousand three hundred pounds, to be levied on polls, and all the rateable estate within this Colony, and to be paid into the treasury at or before the last day of May, 1720; which said rate shall be paid in the bills of credit of this Colony, or in money as it passeth generally in the country at the time of payment, and in no other manner.

Upon the memorial of Mrs. Abigail Lord of Hartford, liberty and full power is granted to her by this Court, to give a deed to Joseph Petty of Coventry for a parcel of land lying within the township of Coventry, which her late husband, Mr. Richard Lord of Hartford, in his life time sold to said Petty and did not give a deed for. Also she is impowred, upon the receipt of money due upon any mortgage of lands made to her deceased husband, to release and quitclaim unto the respective mortgagers, their heirs, &c.

This Assembly being well advised that Daniel Ryley, a souldier in the late expedition against Canada, received a wound in his foot by the cut of an ax, by which he hath lost a considerable part of his time the last winter: Upon consideration whereof, this Court grants to the said Daniel Ryley, to be paid out of the publick treasury, the sum of three pounds.

Upon consideration of the petition of George Way of Lyme, who married the daughter and only child of Joseph Neice, late of New London deceased, and administrator on his estate, for power to sell a house and land formerly belonging to the said Joseph Neice, for the payment of his debts: This Court do thereupon grant liberty and impower the said George Way to make sale of said house and land for payment of debts due from the said estate.

This Court do establish and confirm Mr. Robert Sanford to be the Lieutenant, and Serg^{t} John Marsh to be the Ensign of the first company or trainband in the town of Hartford.

This Court do establish and confirm Ensign Israel Wyat to be the Lieutenant, and Serj^{t} John Skinner to be Ensign of the company or trainband in the town of Colchester.

It being moved by the proprietors of and within the town of Wallinford, that a deed of release and quitclaim of and in the lands, &c. within the said town, by them presented to this Assembly, be to them executed by the Honourable the Governour and the Secretaries signing and sealing the same: This Assembly grants that the same be executed.

This Court grants liberty to John Roise of Mansfield, administrator on the estate of David Roise, deceased, to sell so much of the lands of his deceased brother, David Roise, lying in Norwich, as may be sufficient to pay the just debts due from said estate and his necessary charges in the administration, to be done by the advice of Capt. Richard Bushnell.

[190] *It is ordered by this Court*, That Richard Christophers and John Haynes, Esq^{rs}, and Maj^{r} John Burr and Mr. John Plumbe, who are a committee appointed by both houses to de-

liver three thousand pound of the bills of credit drawn into the treasury by the rate paid in 1711, unto the treasurer, which are emitted by an act of this Court, for the payment of the publick debts of this Colony, shall take an exact account of all the rest of the said bills of credit that were brought in for said rate which shall then be left in the treasurers hands, and receive them of him, and make report thereof to this Court when they have so done, in order to their being lodged in the hands of the committee that signed the bills, until the counterparts of them can be got together, and then to be otherways disposed of by this Court.

Whereas there is a Copper Mine lately discovered at Wallengsford, in the undivided lands, which appertain to a certain number of proprietors, being the surviving antient inhabitants of said town and the heirs of such ancient inhabitants, proprietors, who are deceased, together with such other person or persons who are admitted by common consent and agreement of the proprietors among themselves to a certain proportion of interest and right in the said mines; and more such copper mines or other mines may be discovered within the township of Wallingsford, either in the undivided lands, or in the lands that are divided and belong to particular persons; all which mines whenever discovered do belong to the aforesaid proprietors, by virtue of a covenant or agreement of the inhabitants of Wallingsford made and mutually concluded on among themselves, as also by virtue of a formal and lawful quitclaim from the Governour and Company of the English Colony of Connecticut in New England in America, under their common seal, settling and confirming the said mines unto the said proprietors and their heirs and assigns forever: And whereas the well managing and improving the said mines will be not only profitable to the proprietors themselves, but also may be of publick advantage; which publick and particular benefits arising from the improving of such mines may be greatly obstructed, by reason that several of the heirs of the deceased original proprietors are yet minors, and thereby not capable of acting, and some few others of full age and capacity to act may now or hereafter refuse to act with the rest of the proprietors in the improving such mines as aforesaid, and thereby such mines rendered unprofitable: For the preventing of such inconveniences that either do or may arise,—

It is enacted and ordained by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the proprietors of the major part of the interest and propriety in the said mines, that now are or here-

after shall be found within the limits of the township of Wallingsford aforesaid, being of full age and capacity to act, (although they should not be the greater number of persons interested in the said mines,) shall have power and authority, at all and every time and times hereafter, to improve all the aforesaid mines, and manage all the affairs and business anyways [191] || relating to the said mines, for the benefit and advantage of themselves and the rest of the said proprietors, that are either minors or dissenters unto such their managements; and the proprietors of the said greater part of the propriety and interest in the said mines may and are hereby enabled at any time or times hereafter, either by themselves or by their substituted attorney or attorneys, to lease out, demise and let to farm, the whole or any part or parcel of said mines, to any other person or persons whomsoever, and for such term or terms of time, as well for such rents, incomes or yearly profits, or other considerations, as they shall think meet; and such their leases, bargains or contracts, so made, concerning the said mines, either by the said proprietors of the major part of the interest and propriety in said mines or by their substituted attorneys or agents, shall be accounted, deemed and reputed good and effectual in the law, although the proprietors of the lesser part of the interest or propriety in the said mines should happen to be the greater number of persons, and should be either minors or opposers of such improvements or of such leases, bargains or contracts, that at any time hereafter may be made concerning the said mines. Provided always, that such minors or others, incapable or refusing to act in the improvement or leasing the said mines, shall in no wise lose their interest in proportion of the profits arising from the said mines, because of their inability or refusing to act with the rest of the said proprietors.

This Assembly do establish Ensign John Wheeler Lieutenant of the company of Fairfield at east end of said town, and Sergeant Gideon Allyn Ensign of the said company.

Upon consideration of the petition of Capt. Thomas Hart of Farmington, wherein Thomas Hancox of said place was concerned: This Court having heard the plea of the said Thomas Hancox against his being obliged to answer to this petition, because he had not an attested copie of it left with him; the question was put, whether he should be obliged to answer to the said petition, which this Court determine in the negative. Cost allowed to said Hancox, eight shillings and six pence, money, for his attendance this Court.

Whereas the General Assembly, in May, 1711, appointed a committee to consider what bounds and limits might be best to be set and fixed for the western parish belonging to Fairfield, and so survey and lay out the same,—[the committee] having attended that service, made return of their so doing to this Court under their hands, whereby the bounds of said parish are fixed as followeth,—Beginning at the south east corner of Capt. Osbourns long lot, and by the east line of said lot, as it runneth, twenty two degrees west of the north, unto the head line of Fairfield township, which said lot is bounded easterly by a highway throughout its length; and from the south east corner of said lot, a line run twenty two degrees east of the south, so far southerly as where it shall come upon Sasco River, and then along by said river, as it runneth, until where it openeth into the sound or sea, which is the easterly bounds of said parish; and northerly bounded by or upon the head line of Fairfield township; and westerly bounded with the dividend line, Fairfield and Norwalk; and southerly by the sea or sound.

[192] *Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same*, That if any inn-holder or tavern-keeper within this Colony shall, after publication hereof, allow or suffer any single persons being boarders or sojourners, or any young persons or other inhabitants whatsoever under the government of parents or masters, to convene or meet together in company or companies in his or her house, (at those times provided against by act of this Assembly on the thirteenth day of October, 1709, viz. on the evening after the Sabbath, or any publick day of fast, or lecture day,) and be duly convicted thereof by bill, plaint or information, before any assistant, justice of the peace, or inferiour court of common pleas, shall pay a fine of fifty shillings cash to the treasury of the county in which such offence shall be committed, any law, usage or custom to the contrary notwithstanding.

Always provided, That if he or she, said tavern-keeper, shall make it appear to the satisfaction of the said assistant, justice or court, before whom he or she shall be brought to answer for said offence, that he or she did, at the time of meeting of such persons as abovesaid in their houses, forbid their continuance there, and upon [their] refusing immediately to depart, also did apply him or herself to the next authority or constable in the place of their residence, for the breaking up such disorderly meetings, that then such tavern keeper shall be excused for said penalty for that time.

The committee appointed by this Court to deliver to the treasurer three thousand pounds of the bills of credit drawn into the treasury for the payment of the rate in 1711, and to take an exact account of the rest of the said bills brought in for said rate, which should then be left in the treasurers hands, and receive them of him, made return to this Court, that they had attended the aforesaid service, and delivered the treasurer the said three thousand pound, whose receipt for the same was read in Court; and brought the rest of the said bills to the Court, being the sum of one thousand three hundred seventy six pounds fifteen shillings and six pence, which bills are left in the custody of John Haynes, Esq^{r}, to be further disposed of by this Court when they shall see meet; who with some others of the committee for signing the bills, are appointed by this Court to get together the counterparts of all such bills in the aforesaid parcel which are much worn and not fit to be made use of again. The total sum of above bills drawn into the treasury by the rate paid in 1711, now disposed of as abovesaid, is four thousand three hundred seventy six pound fifteen shillings and six pence. The receipt for the three thousand pound delivered the treasurer is left in the custody of the abovesaid John Haynes, Esq^{r}.

Whereas there is great complaint made respecting the post wages by law stated, it being not a sufficient reward for posts sent on the Colonys service,

It is therefore enacted by this Assembly, That for the future all persons imployed in the Colonies service shall be allowed, from the first of April until the first of November, for themselves and horses and subsistence, three pence per mile, in money, outward, and no more; and from the first of November to the first of April three pence half penny, money, per mile, outward, for man, horse and subsistence, and no more.

[193] An Act in addition to a former act concerning Excise.

Whereas the collectors of excise in the several counties are by law appointed by the county courts, and are to pay the excise they receive to the Colony treasurer, except such part thereof as is allowed for their fees; but sufficient provision is not made for to oblige them to the doing their duty therein: For the remedying whereof,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That it shall now be in the power of the respective county courts in this Colony, quarterly to demand and receive of the said collectors of excise appointed by them, such sum or sums as they have received or shall receive for excise, with a

true account thereof under their hands, and upon their receipts thereof to give a discharge for the same. And it shall be in the power of the said county courts to displace collectors of excise, appointed or to be appointed by them, at their pleasure, and to appoint others in their room.

An Act for the better regulating all Houses lycensed for Publick Entertainment.

Whereas it is found by experience that a better regulation of houses lycensed for publick entertainment is very much wanting, and would tend to prevent a great deal of disorders,

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all lycences for keeping of houses of publick entertainment which now are in force in any of the counties within this Colony, shall from and after six days next after the opening of the next sessions of the stated inferiour court in said county, be, and are hereby made void and of no force.

Be it also enacted, That it is and shall be in the power of such inferiour courts in each county, from time to time, to grant (to one or so many persons in each town within the said county as they shall judge meet, who are chosen by the town where they live, according to law,) lycence or lycences for keeping houses of publick entertainment, for the entertainment of strangers and travellers; which lycences shall be of force for one year and no more. And if any town shall neglect to make choice of any person to keep a house of entertainment as aforesaid, it shall in such case be in the power of the county court in said county to appoint a person for that service and lycence him accordingly.

Be it also enacted by this Assembly, That no person lycenced as aforesaid shall, at any time after the next sessions of the said inferiour court in each county respectively, be allowed to bring any action against any person whatsoever, to recover of such person any sum or sums of money, or any other thing whatsoever, for any kind or quantities of drink so sold to such persons and drank in such houses.

An Accompt of sundry Stores belonging unto the Colony, left in the hands of several persons, as by their receipts appears; which receipts are put into the hand of John Haynes, Esqr, till further order of this Court, viz.

1. Receipt of Major John Clarks, for 123*l.* drest deer skins.
2. Receipt of Mr. Enos Talmage, for 17 half barrels pork, and 10 half barrels do. sent to Rhoad Island for sales.

3. Mr. Caleb Stanly, jun^{r}, receipt for a chest containing 127 souldiers shirts, eleven barrels with tobacco in them, one hogshead with roll tobacco, and 4 empty rum hogsheads.

[194] 4. Mr. Jonathan Attwaters receipt for a chest of drugs, 27 kettles, one skillet, 72 bags, 166 pair mittens, 50 yards white duffells, six empty kegs, and about 5000 pounds of bread.

5. Mrs. Lydia Rosewells receipt for one bundle of tobacco, 6 empty kegs, twenty nine snapsacks, and 35 cartouch boxes; also a parcel of bags in the hands of William Pitkin, Esq^{r}.

This Court grants to Mr. W^{m} Parker of Seybrook, five pounds and fourteen shillings, to be paid out of the publick treasury of this Colony, to answer the charge he hath already been at for the cure of his servant.

Upon the petition of the inhabitants of New Milford, praying that for the better enabling them in order to the settling a minister and carrying on the publick worship of God in said town: *Resolved*, the said inhabitants of New Milford shall have liberty to assess every and each share or allotment in said town at twelve shillings per year, the seven shillings formerly granted by this Assembly for that service to be a part of the twelve, to be for the space of four years next after the sessions of this Court and no longer; to be collected by the same persons appointed by this Assembly in October last for the collecting the seven shillings per share.

An Act for settling the Money collected for the Excise on the Treasury of the several Counties.

Whereas the several countys are indebted, and have not wherewith in their treasurys for the payment thereof, and the charge of the countys will now be considerably increased by the grand jurys at the stated county courts,

It is therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the money received for excise by the collectors of excise in the several counties, which is now in their hands, and what shall hereafter be received by them, shall by the said collectors be paid quarterly into the treasury of their respective counties, for the use aforesaid, any law to the contrary in any wise notwithstanding.

The persons appointed by this Assembly to audit the Colonies accounts with the treasurer in October next are Richard Christophers and Peter Burr, Esq^{rs}, Capt. John Hart, and Mr. Samuel Byshop.

Upon the petition of Hannah Phelps of Windsor, widow and relict to William Phelps, late of said place,* hath liberty granted to her, and full power to give unto Josiah Phelps of said Windsor, a deed for a long strip of land, about half an acre, which the said William Phelps in his life time exchanged with his brother Josiah Phelps aforesaid, for another small piece of land joyning to his own; provided, that at the same time she do also receive of said Josiah Phelps a lawful deed to the heirs of said William Phelps for the land which the said William was to have in exchange. Also the said Hannah Phelps hath liberty and full power granted her to give another deed to Nathaniel Pinny of said Windsor for six acres of land, most of it uncleared, which her aforesaid husband in his life time sold to said Pinny and received payment for, but gave no deed for the same.

[195] This Court appoints the Hon^{bl} Deputy Governour to be the Judge of the Court of Probates in the county of Fairfield.

Peter Bur, Esq^{r}, is appointed Judge of the County Courts in the said county of Fairfield.

This Court appoints Col^{o} William Whiting and Capt. Aaron Cook, Justices of the Peace and Quorum, and Mr. John Curtice, Lt. Jonathan Belding, Lt. Thomas Ward, Mr. Samuel Smith, and Lt. Samuel Humphrey, Justices of the Peace for the county of Hartford; and Mr. James Hooker, Justice of the Peace for the county of New Haven; also Capt. James Avery, Justice of the Peace for the county of New London, and Lt. Josiah Starr, Justice of the Peace for the county of Fairfield, and added to the commission of the peace for the said counties.

Upon consideration of the petition of the inhabitants of the town of Coventry, for the promoting and enabling them to procure and settle a minister of the gospel amongst them,

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That it is and shall be lawful, and in the power of the said inhabitants of Coventry, to levy a rate or tax on the owners and proprietors of all lands divided and undivided, in the said town of Coventry, of twenty shillings, money, per annum, for the term of four years, upon every allotment, and proportionable for lesser parcels; to be paid to the selectmen of the said town of Coventry, for and towards the building of a meeting house and ministers house there, and main-

* The words "Upon the petition of" were prefixed to the bill as originally drawn This accounts for the apparent omission of the word "she" here. Private Controv., VI. 257.

tenance of a minister. And in case that any owner or proprietor of land, divided or undivided, within the said town of Coventry, upon notice and warning given by the said selectmen, or one of them, shall refuse or neglect to pay such rate or tax, to be levyed as aforesaid, that then it shall be lawful for the said selectmen, or the major part of them, to levy the same, with their necessary costs, on the said land of such owner or proprietor, who shall so neglect or refuse to pay, by warrant from any one assistant or justice of the peace within the county of Hartford, who is required to grant the same. And the said inhabitants are hereby granted the usual powers and priviledges of a town. And the said Coventry is hereby appointed to belong to the county of Hartford.

Whereas this Assembly in May, 1708, did enact and order, that all the impropriated lands within the town of Durham should pay a certain tax towards the support of the ministry within said town for the space of four years by a certain proportion, as in said act is fully expressed; and forasmuch as several persons that have lands surveyed and laid out to them within said town, have and still do refuse or neglect to make payment of their respective proportions as in said act is set; for which reason the said act is rendered in a great measure ineffectual: For the prevention whereof,

Be it enacted by this Assembly, That it is and shall be lawful for the several collectors chosen by said town, to demand of all persons from whom any part of said tax is due, in any place or part of this Colony; and if any such person or persons shall refuse or neglect upon such demand, to make payment [196] ‖ of their just proportion of said tax, the said collector or collectors are hereby impowred to repair to some assistant or justice of the peace, who shall grant a writ directed to the constable of the town where such person shall inhabit, which constable shall forthwith demand the same of the said person so refusing or neglecting to pay his or their tax as abovesaid; and if the said person or persons shall then neglect or refuse to make payment thereof unto the said officer, that then the said constable shall and is by virtue hereof required to proceed against the said person or persons, as the law directs for the distreining of town or ministers rates; and the printed form used for the distreining of those rates is hereby directed to, for a proper form in this case; always placing as a preamble thereunto, the substance of the abovementioned act, together with this.

Upon the prayer of Sarah Colefox, relict of Jonathan Colefox, late of Weathersfield, deceased, this Assembly grants her

power to sell so much of the land that did belong to her said husband as shall be necessary to pay a debt due to the heirs of Richard Lord, late of Hartford, deceased, the said land being mortgaged unto the said Lord by the said Colefox, in his life time. This to be done with the advice of Mr. Jonathan Belding and Mr. John Curtice, jun^{r}, both of said Weathersfield.

This Assembly, for the encouragement of William Partridge, Esq^{r}, of Newbury, Mr. Jonathan Belcher, of Boston, merchant, both of the Province of the Massachusetts Bay, in their opening copper mines within this Colony, do grant, that all such operators, artificers, miners and labourers, (who do not belong to this Colony,) which may be improved by them or their agents in that said work, shall be exempted from all military duties for the term of four years, to be reckoned from the end of this present Assembly.

This Assembly grants liberty to Nicholas Stoughton to keep a common ferry over the great river (to transport travellers,) about five miles below Haddam, where now the said Stoughton dwells; and that the fare of said ferry shall be eight pence for a man, horse and his load, and four pence for a single person, until this Court shall see cause to order otherwise; provided the said Stoughton manage the said ferry carefully and faithfully as the law provides, and also allow a convenient highway through his land from the country road to the said ferry.

An Act for the better Detecting and more effectual Punishment of Prophaneness and Immorality.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when any person or persons are presented by the grand jury, as the law directs, for their neglect of attending the publick worship of God, whereto the law obligeth them, and are [197] brought before || any inferiour court, assistant, or justice of peace, to answer for the same, if he or they shall not be able to shew that they were not absent from the publick worship of God, at the time mentioned in said presentment, or shew to the satisfaction of the said court; assistant or justice of the peace, that they had good and sufficient reasons for such their absence, shall by said court, assistant or justice, be sentenced and suffer the penalty of the law as guilty in such cases.

Be it enacted by this Assembly, That an abstract of all such immoralities, faults, disorders or misdemeanours, as are or shall be made punishable by any act of this Court, be forthwith and from time to time annually drawn, printed, and published throughout the Colony, for the better information of all

grand jurors in their duty, and direction in the performance thereof.

And it is hereby further provided and enacted, That every town shall, on the day of their annual meeting for electing town officers, elect and choose in like manner two or more sober, discreet persons of their inhabitants, to serve as Grand Jurors for the ensuing year, who shall be sworn by the next assistant or justice of peace; but in case any person or persons so elected shall refuse to accept and take the oath in that case provided, and serve as aforesaid, (or render a satisfying reason to the town why he or they ought not to serve as aforesaid,) he or they for such refusal shall incur the penalty of forty shillings, money, and another person or persons shall be chosen in their room, who shall upon their acceptance be sworn as aforesaid, and their names return'd by the clerk of the said town unto the clerk of the inferiour court within such county; and the said clerk shall by his writ summons such a number of the grand jurors, within the said county, as shall be necessary to serve at the said county courts, as the law provides in that case.

And it is further enacted, That the penalty or penaltys incurred as abovesaid shall be improved for the benefit of the town where such case shall happen; to be levyed by writ, from the next assistant or justice of peace, directed to the constable or constables of such town, and by the said constable when levyed, to be delivered to the selectmen of the town for the use abovesaid. And every town within this Colony that shall neglect or refuse to make choice of grand jurors as aforesaid, shall for every such neglect or refusal incur the penalty of five pounds to the treasury of the county wherein such town lyeth, to be recovered by bill, plaint or information, in any court of record within this Colony.

It is hereby further enacted, That all grand jury men shall be allowed two shillings per day for their time of attendance, and post wages for their travel, when they shall be required to give their attendance at the said inferiour court, to be paid out of the county treasury.

This Assembly orders, that William Pitkin, John Haynes and Joseph Talcott, Esq^{rs}, shall deliver unto Capt. Joseph Whiting, treasurer for the time being of this Colony, his receipts for bills of credit put into his hand by the committee appointed for signing bills, so far as he has paid out the said bills for the use of the government, as shall appear upon the audit or otherways to the satisfaction of the gentlemen aforesaid.

[198] Whereas sundry things proposed by the Hon[bl] the Governour* were referred to us, the underwriters, as a committee of both Houses: We have considered the same, and make report thereon,

1. As to the Agency. That that affair be left with the Governour and Council, as to appointing the person, and that the instructions to be given him be the same with those given S[r] Henry Ashurst our late agent, unless any addition or alteration be thought necessary at this juncture.

2. As to the settlement of the line between this Colony and the Province of the Massachusetts Bay. Although we cannot see but that there is the greatest reason to prosecute the resolution formerly taken, to obtain an establishment of the line by her Majestie in Council, yet that it be left to the Governour and Council here (upon the proposals formerly made for the running of the line, by skillful artists, according to the pattents of both governments,) to accommodate that affair, if it be desired by the neighbouring government, or other good opportunity may present, and to lay the conclusion they come

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* The Governor's proposals, in Civil Officers, I. doc. 97, are subjoined. The answer, recorded above, is in the same volume, doc. 98. It was drawn up by Col. William Whiting. In reference to the 6th proposition, the committee say, "We are of opinion a suitable house ought to be provided in each county for holding the courts in, but more especially at Hartford and New Haven, for holding the General Assemblies, but refer it to the consideration of both Houses." The Lower House were of opinion that the consideration of the sixth article be deferred to a further opportunity. The House of Representatives also, by their messengers, gave the Governor the thanks of that house, for his honors good service and conduct in the public affairs of the Colony since the last General Court, which the Upper House ordered to be entered in their Journal. Journal U. H. May 14, 1712.

To the Gentlemen of both Houses, convened in General Assembly:

The ensuing particulars call for your consideration:

1. The state of our affairs, as they relate to the court; both with respect to our soil and government; and particularly,

1. The settling our Agency.

2. The instructions to be given him on the foregoing heads.

2. What may be proper to be done upon the advice in Mr. Dummer's letter about agreeing the controversy with Boston, respecting the dividend line, for the reasons mentioned in that letter.

Under this particular I must inform you, that since the last Assembly the Council has passed a resolve, that the Elsworths of Windsor shall be indemnified by the Colony, from any damage they may receive by judgment and execution granted against them by the inferiour court in Hampshire, for some actions of theirs near and relating to that line; which they appear to have done by lawful warrant of her Majesties authority in this government.

This wants to be confirmed or altered.

3. What care ought to be taken to preserve our coasting trade from the attempts of the enemy, whose great want of provision will doubtless put them upon striving hard for our provision sloops.

4. What method may be proper to secure our northern frontier from scalping parties, in the summer season.

5. What return we should make to the Right Honourable the Lords of Trade, respecting their letters and duplicates, for a compleat body of our laws.

6. What provision may be requisite to be made, in the present want of a suitable house for the holding our General Assemblies.

Hartford, May 14th, 1712. G. Saltonstall.

to before the General Assembly, that if they approve of it, it may by their authority be established.

And as to that matter relating to the Elsworths of Windsor, and the resolve of the Governour and Council thereupon. We are of opinion it ought to be confirmed by this General Assembly, since it does evidently appear that the actions by the said Elsworths committed and done, was in obedience to a lawful warrant granted by some authority within this Colony.

3. As to what is proposed about securing our coasting vessels. We are of opinion (that since the season is so far advanced, and nothing yet done in order to procure a suitable vessel for that purpose,) its best to leave the management of that affair with the Governour and Council, to transact with Governour Dudly to procure their country sloop to convoy our vessels to Boston, or some other methods as they shall think proper to attain the end proposed, at the charge of this Colony.

4. For securing our frontiers. We are of opinion that a marching party, consisting of twenty good effective men, to be added to Lieut. Crocker, and to be under his command, to scout above Deerfield, and that it be proposed they be joyn'd by a captain and thirty private men out of the county of Hampshire to attend that service; and that the Governour be desired to concert proper measures with Coll. Partridge for the managing and directing the said scout; and that it is necessary said scout be directed to go westward from Deerfield until they come to Ouseetunnick River, at least so far westward; and for encouragement of English souldiers that shall be improved in the said service, they shall be allowed two shillings per day, as also five pounds for every Indian enemy scalp they bring in, to be paid out of the Colony treasury, which said sum of five pounds shall be divided between the officer and souldiers belonging to this government, the said officer to have two shares.

5. We are of opinion that a compleat body of the laws of this government be sent home to the Right Hon^{ble} the Lords of Trade, and that the Governour be requested to do it.

Ordered, That the above report of the committee abovementioned, viz., William Pitkin, Mathew Allyn, William Whiting, Esq^{rs}, Major John Clark, Capt. Joseph Wakeman, and Mr. James Wadsworth, which was agreed to by both Houses, be recorded.

[199] A question arising where a return of the surveys of lands granted by this Assembly to particular persons ought to be made, in order to have the survey or surveys of land entered,

It is therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That for the future a sufficient book of entries shall be provided by this Assembly, to be lodged with the secretary; who shall enter such surveys so made, when application shall be made to him by the person concern'd.

An Act for enabling the Treasurer to make sale of Escheats, and Land recovered by Judgment and Execution for Fines or Rates, to the Publick Treasury of this Colony.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the chief judges of the courts of probate in each county shall take due care that all estates that have happened or shall happen to escheat within their respective counties to the publick treasury of this Colony, according to the law, title Escheats, be secured in the hands of some administrator by the said court appointed; and the said judge shall give notice of all such escheats and proceedings of the said court thereon, to the treasurer of this Colony for the time being.

Be it also enacted, That the treasurer of the Colony for the time being, shall be, and is hereby enabled to demand and receive of such administrator all such escheats, and him thereof fully to discharge; and the said treasurer is hereby further impowred and enabled to make sale by a publique vendue, of all such escheats, as also of all land, that is or shall be recovered of any person or persons whatsoever, by judgment, execution, distraint, or any other way, for fines or rates to the publick treasury, and the said sale to make and confirm in the name and behalf, and for the use and best advantage of this Colony.

Be it also hereby enacted, That the said treasurer for the time being, shall from year to year render an account to the Governour, Council and Representatives, in General Court assembled, at their annual sessions in October, of his proceedings by virtue of this act, and shall be recompenced out of the gains so made, out of the publick treasury, for his charge and trouble therein.

Whereas there are several small pieces of ordinance in divers towns of this Colony, which are of no benefit to those towns against any enemy, and lye so exposed to damage that they are in hazard to be rendered useless: Ordered, that there be direction given to meet persons, to make proof of the said pieces, and if they be fit for service, to treat with such persons as shall appear to be the proprietors of them, about their

prices and value; who shall make report to the next Assembly thereof, that the said Assembly may satisfie the said proprietors for them, and give order for them to be disposed of, so that they may be of publick service.

Whereas it is found by experience, that it is very much prejudicial to the books of publick record and bundles of writings of this Colony, as well as chargeable to transport and carry them from place to place as there is occasion for them at the sessions of the General Assembly; and upon computation [200] || it is found that the post wages for the travel of the Deputies to the Assembly, when held at the town of New Haven, ariseth to more money then their wages doth for travel to Hartford,—

It is therefore ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That as well the two stated General Courts or Assemblys appointed by our Charter or Pattent to be holden within this Colony in the months of May and October, as all other General Assemblies or Courts that may happen to be called by the Governour or Deputy Governour, shall for the future be holden and kept at the town of Hartford in this Colony, as formerly it used to be, (unless it be upon occasion of epidemical diseases, sickness, or the like,) any former law, usage, or custom to the contrary notwithstanding.

An Act in addition to the law, Measures and Weights.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the treasurer of each county within this Colony, shall at the proper cost and charge of the said county, within twelve months from the publication hereof, provide good and sufficient weights and measures, the half bushel to be brass or copper; which weights and measures shall be tryed and sealed by the country standards, and shall be kept in the respective county towns for the use of the county, upon whose cost they were procured; and if any or either of the county treasurers shall not procure the weights and measures as abovesaid, and get the same tryed and sealed as aforesaid, he shall pay a fine of five pounds, money, thirty shillings thereof to the constable, the remainder thereof to the county treasury. And the constables in the county towns are to enquire whether the said weights and measures be provided and sealed as abovesaid; and upon default of either or any of the said treasurers, the said constables shall present them to the next superiour court in the county, who shall cause the said fine to be levyed upon the treasurer so offending, unless he shall satisfie the

said court that there be weights and measures provided and sealed as abovesaid within the county town for the use of the county in which he serveth as treasurer.

And be it further enacted, That the selectmen in every town within this Colony, within three months after the said treasurer hath provided weights and measures as aforesaid, shall provide for their respective towns, (at the charge of the said towns,) weights and measures, to be tryed and sealed by the county standards; and the constables in every town shall make enquiry into all breaches of this act; and if upon enquiry, the said constables shall find that the selectmen have not procured weights and measures as abovesaid, that then the constable or constables shall make complaint thereof to the next assistant or justice of the peace; upon which complaint, the said assistant or justice shall convene before him the selectmen so offending, and if they shall not satisfy the said authority that they have provided weights and measures as aforesaid, the said authority shall impose upon the selectmen aforesaid, a fine of forty shillings, money, the one half to the said constable, and the other half to the town treasury.

[201] *And it is further enacted*, That the county courts || in each county, and the grand jurors there present, are hereby impowred to levy a tax annually upon each town within the said county, according to the lists of estate for such year, for paying those debts of the said county which cannot be paid out of the fines and perquisites allotted for that end.

Upon consideration of Mr. Vrylands demand relating to the Mary Gally, lost in the Colonys service: This Court appoints Richard Christophers, Esq^{r}, Major John Clark, and Mr. John Plumb, to examine all the accounts relating to that affair, and make report to this Court in October next accordingly.

This Assembly grants liberty and full power to Mrs. Abigail Lord, relict of Mr. Richard Lord, late of Hartford, deceased, and administratrix on his estate, to sell two allotments in the town of Coventry, being part of a tract of land given by Joshua, sachem, unto several gentlemen in and about Hartford, and order her to lay out the effects of the said sales in purchasing of other lands for the best advantage of the children of the said Richard Lord.

This Assembly grants liberty and full power to Mrs. Abigail Stanly, relict of Mr. Caleb Stanly, late of Hartford, deceased, and Mr. William Pitkin, administrators on the estate of the said Caleb Stanly, to sell two allotments in the town of Coventry, being part of a tract of land bequeathed by Joshua, sachem, unto the several gentlemen in and about Hartford,

and order them to lay out the effects of the sales in purchasing of other lands for the best advantage of the children of the said Caleb Stanly.

It is ordereed by this Court, That the list of the estate of East Haven, given in to this Assembly in October last, shall be added to the list of New Haven, and the rate made thereby be gathered, collected, and paid to the treasurer by the constable or constables of New Haven. And that if the several inhabitants of the village of East Haven do not, before the tenth day of June next, deliver to the listers of the town of New Haven a list of their several estates for the year 1711, the said listers shall assess them in the best manner they can, observing as much as possible a just proportion between the estates of the inhabitants they do assess, and the estates of the other inhabitants of the said town.

An Act for settling the Militia at Norwalk.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That Major Peter Bur do make out his warrants to the respective clerks of the trainbands in Norwalk, that they send him an attested account of the number of officers and souldiers in their muster roles; and if it appear to him, that their numbers are sufficient to make two captains companies, this Court allow and order that they be divided into two companies, and order the said major to state the line between said companies, and lead them to a choice of officers, and make return of the proceedings therein to this Assembly in October next; and the present establisht officers stand in their commissions until further order from this Court.

This Court grants to Capt. John Sherman, Speaker, for his good service this session as Speaker, thirty shillings, to be paid out of the publick treasury.

[202] This Court grants to Capt. Richard Bushnell, Clerk, twenty five shillings, for his service as Clerk this session, to be paid out of the publick treasury.

This Court grants to William Goodwin, constable, three shillings per day for his service thirteen days this session, to be paid out of the publick treasury.

The Council assigned by this Court for the Governour, or in his absence the Deputy Governour, in the intervals of this Court, to consist of seven at the least, two of which to be assistants, the rest such judicious freemen as the Governour, or in his absence the Deputy Governour, shall see cause to call to Council; who shall have full power in the intervals of this Court

to act in all the affairs of this Colony according to charter, (excepting only raising men to send out of the Colony, and money). And Daniel Wetherell, Esq^{r}, to set in Council in the room of an assistant.

Whereas, notwithstanding the care formerly taken by this Assembly, and particularly by an act bearing date May 8th, 1679,* for the settling a plantation at the place called Hebron, according to the judgment of a committee to be appointed by this Court, and accommodation of the legatees of Joshuas will, mentioned in said act, that end has not yet been attained; there being but a small number of inhabitants there, and those in very uncomfortable circumstances for want of the well ordering that proposed settlement by such committee of this Court: And whereas it has been thereupon moved that William Pitkin, Esq^{r}, Major Joseph Talcott, Coll. William Whiting, who with some other gentlemen joyntly concern'd with them have quieted several towns or plantations in that part of the Colony by taking off the claim of the late Major John Mason and his heirs, to Indian rights in or unto the land granted to such towns, might be appointed a committee pursuant to the aforesaid act: That the lands so designed for the settlement of a town at Hebron might be suitably managed and ordered for that end, the said gentlemen are hereby appointed a committee for the service expressed in the aforesaid act, and impowred to proceed according to the direction thereof; taking care that the said legatees and the said inhabitants, that now are there or that may be hereby encouraged to come and settle there, may be accommodated to their mutual and best advantage. And the said committee shall make return of their proceedings herein, to this Assembly in October next, that the good settlement which by the said committees may be so brought on and effected, may be established by the said Court if they shall judge fit, or make such other order thereupon as may then be found necessary for the good of the said plantation. Provided the Colony be at no charge in the management of the whole affair. And the legatees of Joshuas will have liberty to appoint three persons to be joyned with the abovenamed gentlemen in the work aforesaid.

This Assembly do appoint Mr. George Kilborn of Weathersfield, to lay out a tract of land to the heirs of John Wadsworth, Esq^{r}, of Farmingtown, deceased, and the heirs of Lt. Samuel Steel of said Weathersfield, deceased, according to a former grant of this Assembly, bearing date May 12th, 1687.

* Vol. 3, p. 34. Vol. 4, p. 294.

[203] Upon the humble application of John Bunce and James Bunce of Hartford, and Josiah Thomson and Thomas Leek of New Haven, praying the favour of this Court, that they may be excused in whole or in part from the penalty of the law, viz., twenty pounds, money, provided for the punishment of all that were absent from the military muster appointed on the 6th of July last: Ordered thereupon, by the Governour, Council and Representatives, in General Court assembled, and by authority of the same, that John Bunce shall have and hath hereby remitted to him the sum of nineteen pounds ten shillings of the said twenty pounds penalty; that James Bunce shall have and hath remitted to him the sum of nineteen pounds ten shillings of the said twenty pounds penalty; that Josiah Thomson shall have and hath hereby remitted to him the sum of eighteen pounds of the said twenty pounds penalty; that Thomas Leek shall have and hath hereby remitted to him the sum of eighteen pounds of the said twenty pounds penalty; and the secretary is hereby ordered to make out a certificate of the abatements so made, at the charge of the parties to whom they are made, to the clerks of the respective trainbands to which the said parties belong, and the said clerks are to take notice thereof and conform themselves accordingly.

Whereas this Court did formerly appoint and impower some gentlemen as a committee to settle a town at a place called Christiall Pond near Woodstock, by the name of Ashford, and the said committee have been obstructed in their proceedings thereon, by reason of sundry persons claiming rights in the lands granted for the use aforesaid:—This Court do therefore order, that a notification shall be given by the secretary, to any person or persons claiming any right to the lands so granted, that they appear at the General Court to be holden at Hartford in October next, then and there to set forth their pretended claims to the said Court, that some further measures may be taken for the settlement and encouragement of the said town.

This Court desire, nominate, and appoint, the Hon^{bl} Nathan Gold, Esq^{r}, Deputy Governour, to be Chief Judge of the Superiour Courts, and William Pitkin, Esq^{r}, Richard Christophers, Esq^{r}, Peter Burr, Esq^{r}, Samuel Eells, Esq^{r}, or in the absence of any of them, any other of the Assistants in their room, to be Judges also of the said Court, and to assist the Chief Judge in holding of the same for the year ensuing; and in case of the absence of the Deputy Governour from the said

court, the said William Pitkin, Esq^{r}, shall be Chief Judge thereof for the year ensuing.

This Court nominate and appoint John Alling, Esq^{r}, to be Judge of the County Courts and Court of Probates in the county of New Haven, for the year ensuing.

This Court nominate and appoint Richard Christophers, Esq^{r}, to be Judge of the County Court and Court of Probates in the county of New London, for the year ensuing.

[204] *It is ordered by this Assembly, upon the motion of the town of Danbury*, That not only that small slip of land they petition for, between Danbury and Fairfield, but all the rest of the country lands, between Danbury on the north, and Fairfield and Norwalk on the south, shall be sold at vendue, that both they of Danbury, and others that may have occasion for any part of the same, to accommodate their particular intercsts, may be suited, and all to the advantage of the publick treasury which is much exhausted. Provided that such land, within the bounds aforesaid, as is under improvement by any of the inhabitants of Danbury, shall be sold to such possessors thereof at the same lay as the residue of said land, or the best of it, shall sell at the vendue. And the persons to sell the same shall be the Hon^{bl} Nathan Gold and Peter Burr, Esq^{rs}; the first time of sale to be the first Wednesday of August next, at such time as the said gentlemen shall appoint; and the place shall be at Fairfield meeting house,—reserving meet passages for highways. Provided also, that the money made by such sales shall be improved to the building a publick house or houses for the use of the Assembly and other courts. And all the purchasers as aforesaid shall have pattents for the land so purchased by them, signed by the Governour and Secretary as the law directs;—provided buyers of said lands purchase the native right.

Upon the petition of Mr. George Stilman of Weathersfield, representing that William Tryon of the said town, having signed and sealed a deed bearing date the 20th day of May, 1711, conveying to him, the said Stillman, a certain tract or part of a tract of land in the said Weathersfield, and that the said deed be lawfully witnessed, the said Tryon dyed before he had compleated the deed by acknowledging of it according to law, pray'd an act of this Assembly to supply that defect; and the witnesses subscribing in this deed, viz., Samuel Wright and Jonathan Goodrich, being produced in court, made oath in the Upper House that they saw the said Tryon sign, seal and deliver the said deed to the said Stilman, and that they

signed as witnesses; which was ordered to be indorsed upon the said deed and signed by the Secretary:

Be it thereupon enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said deed shall be taken as good and effectual to all intents and purposes in the law, as it might or could have been if the said deed had been acknowledged by the grantor as the law directs; and that this act indorsed upon the said deed shall be signed by the Secretary, and received as a good sufficient testimonial of the authentication of the said deed.

This Court appoints Lieut. John Whiting of Hartford, to be Surveyor of Lands for the county of Hartford.

[205] An Act in addition to the law, title Rates, page 98; and for Repealing several Acts in the manuscripts respecting Rates; and for reviving several paragraphs in said law, title Rates, concerning Inspectors.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and it is hereby enacted by the authority of the same, That all the lands under improvement in this Colony shall be set in the list at the following prizes, that is to say,—all house lots consisting of three acres, at three pounds a lot, and all smaller house lots proportionably; all the meadow lands in the county of Hartford, both ploughing and mowing, at fifteen shillings by the acre, except boggy meadows, which, if mow'd, at five shillings by the acre; and all other plow lands within this Colony, (except such as are in the towns of Danbury, Woodbury, and Waterbury,) at ten shillings by the acre for each year they are improved; and all meadow land, both salt and fresh, within the counties of New Haven, New London, and Fairfield, (except such as are in the towns of Woodbury and Danbury,) except boggy meadows, at seven shillings and six pence by the acre; the boggy meadows, if mowed, at five shillings by the acre; and all pasture lands, cleared of underwoods, at ten shillings per acre; and all other pasture lands that are fenced and not cleared, at twelve pence per acre.

And it is further enacted by this Court, That all the meadow lands, both mowing and ploughing, in the towns of Danbury, Woodbury, and Waterbury, shall be set in the list at six shillings by the acre; and boggy meadows, if mowed, at four shillings by the acre; and all other plow lands in the said towns at eight shillings by the acre; and all pasture lands, clear'd of underwoods, at eight shillings by the acre; and all other

pasture lands that are fenced and not cleared, at twelve pence by the acre.

And it is further enacted by the authority aforesaid, That the several paragraphs in the law, title Rates, concerning Inspectors, shall be and is hereby revived and put in force; with this alteration, that when any inspector or inspectors shall seize and secure any estate left out of the lists, the one moiety only of such estate shall be forfeited or the value thereof, the one half of which shall be to the publick treasury of this Colony, and the remaining part to the inspector or inspectors or him that shall prosecute the same. And that the inspectors shall inspect the several lists from the time of perfecting the same till new inspectors are chosen.

And it is further enacted by this Court, That such lands as shall be left out of any particular mans lists, when it shall so appear to the listers, such particular persons shall forfeit six shillings per acre, as a penalty for such neglect, to be paid by [206] the owners of said lands, one half to the publick || treasury of this Colony, and the other half to the inspector or inspectors.

It is ordered by this Court, That the listers in each town in this Colony, or one or more deputed by them, some time in July annually, shall warn all the inhabitants proper to be listed in their towns, or leave notice at their houses or places of usual abode, to give in their respective lists. And the said inhabitants, being so warned, shall give in to the listers, in writing, a true account of all their rateable estate, particularly mentioning therein all such things as are in the law expressly valued, at or before the twentieth day of August following, signed with their names or marks; which accounts the said listers shall accept, adding according to the best of their judgments for all things mentioned in the law to be listed that are not particularly valued, and make the whole into one general list. And all other acts in the manuscripts, respecting Listers, are hereby repealed.

And it is hereby also enacted, That the present listers shall stand as inspectors, until new inspectors shall be chosen and sworn, and be so taken to all intents and purposes whatsoever.

This Assembly, being informed that sundry of the grantees of the land at New Town have not attended the conditions of the said grant, so that the good settlement of the said town is danger of being greatly defeated; and whereas the Court did in in the same grant of the said town reserve a power to add such others for settlement in the said town as they should think

meet, do therefore desire and appoint the Hon^bl Nathan Gold, Esq^r, Joseph Curtice and Peter Burr, Esq^rs, and Capt. Joseph Wakeman, them or any three of them, to be a committee to view and inspect the whole affair relating to the settlement of the said town, and to make return to this Assembly at their next sessions, of the whole state of the said place, with what number they judge the place is capable of containing more then have been admitted; with the names of those whom they shall judge fit to be admitted, if any; with also an account of the names of those who have not attended the conditions of said grant, and how many or which of them they shall judge best and fitting to be continued in their said grants, notwithstanding their non-attendance of the said conditions. Provided no charge shall arise hereby to the Colony.

Upon consideration of the petition of the inhabitants of the town of Hebron, requesting that their country rates may be remitted for four years: This Assembly sees cause to remit to the said inhabitants of the town of Hebron their country rates for the space of four years from this time; provided the money to be raised by such rates be improved by the said town towards the procuring and settling a minister amongst them.

This Assembly nominate and appoint John Haynes, Esq^r, to be Judge of the County Court and Court of Probates, in the county of Hartford, for the year ensuing.

[207] Upon consideration of the petition of Thomas Kimberly of Glassenbury, requesting this Assembly to direct who shall pay the cost and charge of surveying the highway or country road through the town of Glassenbury, by a committee appointed for that end; which return was made to this Assembly in October last, and then accepted: It is resolved by this Assembly, that the said town of Glassenbury shall pay the charges of the abovesaid highway.

This Court grants the sum of five pounds to the town of New London, to be paid out of the publick treasury, (to be improved by the direction of Richard Christophers, Esq^r, and Mr. John Plumb,) for the support of the watch there for this summer.

Upon the consideration of the petition of the inhabitants of Horse Neck, in the town of Greenwich, presented to this Assembly by Mr. Ebenezer Mead, shewing the great difficulties the said inhabitants are in, at present, relating to the settling a gospel ministry among them: This Court grants to the said inhabitants the one half of their rates to the country for two years next after the session of this Court.

This Court grants to Capt. Joseph Whiting, the Treasurer, for all his work as treasurer this year, the sum of sixty pounds out of the publick treasury, and no more.

This Assembly refer that matter about laying in a store of pork, to the Governour and Council, as in their wisdom they shall judge best for the publick service. As to that matter relating to the port of New London, this Assembly, having ordered the payment of five pounds out of the treasury to be put into the hands of Richard Christophers, Esq^{r}, and Mr. John Plumb, to be improved for the safeguard thereof, do refer further considerations hereof unto the sessions of this Court in October next.

An Act for the more speedy Raising Men for her Majesties Service.

Be it enacted, That when and as often as the General Assembly shall consent to the raising any number of men for her Majesties service out of the trainbands, and the Governour, or Commander in Chief for the time being, shall issue out a proclamation commanding the captain or chief commission officer to make a muster of their respective trainbands, in order to a proportion of centinels to be drawn out of each of them, on a certain day therein appointed; which is hereby required to be duly attended, (the said day to be twelve days after the date of the said proclamation;) every centinel belonging to such trainbands shall attend the said respective musters, (unless prevented by sickness,) or shall render a sufficient reason for his not attending, to the major of the county whereto he belongs, and two other commission officers, such as the major shall call to his assistance to hear and de- [208] termine that matter; this to be done within ‖ thirty days after such default. And every centinel that shall not attend as aforesaid, shall incur the penalty of ten pounds, currant money, to the publick treasury of this Colony, (to be improved in defraying the charge of such service as the said centinels are to be drawn for,) or else shall suffer three months imprisonment without bail. The said penalty to be levyed by the clerk of the trainband to which such centinel belongs, in the same manner and by the same authority, (out of which the said clerk shall receive the same proportion of recompence, with that) which was ordained and appointed in the like case, by an act of this Assembly made and passed at a General Court holden at New London, the 19th day of June, 1711, intituled An Act for the more speedy raising three hundred and sixty effective men.

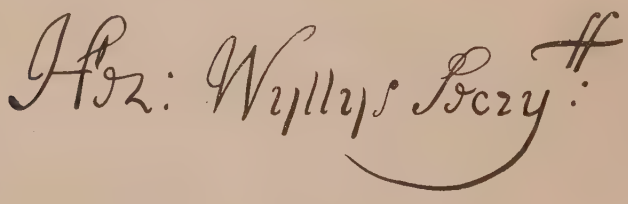
And it is further enacted, That all officers mentioned in this act, who shall neglect any part of the duty by this act made to be incumbent upon them, shall incur for each such neglect or offence, the sum of ten pounds, currant money, to be recovered by bill, plaint, or information, in any court of record within the county where such officer shall live, one moiety thereof to be to the publick treasury of this Colony, and the other moiety to him or them that shall sue for the same and prosecute his suit to effect.

Resolved by this Assembly, That the Chief Judge of the Superiour Court for the time being, shall have power to call and hold such court out of the circuit established, upon special and weighty reasons.

The aforegoing record of this Assembly was read in the presence of both Houses, and ordered to be signed by the Secretary as perfect and compleat.

The oath of justice of peace and quorum was administred to Col^{o} William Whiting, Capt. Aaron Cook, Capt. James Avery, and Lt. Josiah Starr, by the Hon^{bl} the Governour, in the presence of this Assembly.

May the 23d, 1712. This Assembly was adjourn'd until the Governour or Deputy Governour shall see cause to call them to meet again.



At a Meeting of the Governor and Council in Hartford, May 22d, 1712.

Present, The Honourable Gurdon Saltonstal, Esq^{r}, Governor.
The Honourable Nathan Gold, Esq^{r}, Dep. Governor.

William Pitkin, Esq^{r}.
John Haynes, Esq^{r}.
Joseph Talcot, Esq^{r}.
Abraham Fowler, Esq^{r}.

There being several souldiers of Coll. Whiting's regiment in the late expedition against Canada, whose debentures could not be made

out with the rest, for the uncertainty of the time when they were discharged; and Commissary Woolcott having made return to this board of several of them, whose discharges have been since return'd to him, and of what remains due unto them: Resolved, that order be given to the treasurer for their payment, according to the several sums annexed to their names, as followeth:

	l.	*s.*	*d.*
To Robert Webster of Hartford,	02	13	06
To James Foster,	04	07	08
To John Scott of Farmington,	05	00	10
To Thomas Moles of Stratford,	06	00	00
To Nath[l] Richardson of Waterbury,	00	11	08
To Samuel Loveman of Glassenbury,	03	18	00
To Jonathan Gilbert,	06	00	00
To Abraham Crittenden of Gilford,	00	06	08
To John Adams of Hartford,	00	16	08
To John Weller of New Milford,	00	10	00
To Henry Merry of Lyme,	01	00	00
To Noah Wells of Colchester,	01	01	00
To Jonathan Chadwick of Lyme,	04	14	05
To David Tillison,	04	14	05
To John Stevens of Stanford,	04	13	08

Whereas, pursuant to the agreement of the General Assembly, one hundred pounds has been set apart and improved to provide for the security of our coasting vessels on the first trip to Boston, which has been accomplished by certain measures the Governor, with John Hamlin, Richard Christophers, and Samuel Eels, Esq[rs], have taken: The Council being thereof notifyed, do thereupon declare their approbation of the same, and discharge the said committee of the said sum, as being well ordered, and pursuant to the trust reposed in them.

At a Meeting of the Governor and Council, May 22d, 1712.

Present, The Honourable Gurdon Saltonstal, Esq[r], Governour.
The Honourable Nathan Gold, Esq[r], Dep. Governour.

Nathaniel Stanly,
William Pitkin,
John Haynes,
Matthew Allyn,
Joseph Talcot,
Abraham Fowler,
} Esq[rs], *Assistants.*

William Whiting, Esq[r], *Just. Pac.*

There being several souldiers in the late expedition against Canada whose debentures could not be made out with the rest, for the uncertainty of the time when they were discharg'd: Resolved, that order be given to the treasurer for their payment according to the several sums annexed to their names, as followeth:

	l.	*s.*	*d.*
To Richard Stephens, one week's pay short, - - -	00	11	04
To Samuel Holly, ditto, - - - - -	00	11	04
To Joseph Hoyt, ditto, - - - - -	00	11	04
To Matthew Dean, additional pay as serjt., - -	01	17	04
To Joseph Crowfoot, additional pay as trumpeter, -	00	04	04
To James Tayler of Colchester, additional pay as corporal,	00	04	04
To Nath[l] Hibbard of Windham, additional wages as corporal,	00	04	04
To Jonathan Arnold of Hadam, for his servant, Christopher Tooly's wages, 5 weeks and 1 day, being dismist at New Haven, - - - - -	01	16	00
To Kerle Smith of Gilford, servant to Josiah Stone, dismist at Newhaven, wages due for five weeks and 1 day,	02	06	06
To Dr. Copp, order'd short by the commissary, - -	05	09	11

Capt. John Hart and Capt. David Goodrich presented to this board under their hands the muster rolls of their respective companys, which they marched in February last into the county of Hampshire, setting forth the time of their said service, and the wages due to themselves and companies; which accounts were examined and approved in Council, and it was agreed that an order be made upon the treasury for the payment of said wages. The wages to Capt. Hart and company, was 84*l* 07*s* 04*d*; to Capt. Goodrich and company, was 80*l* 18*s* 02*d*.

Whereas, the treasury of this Colony appears to be indebted, by bond bearing date July 25, 1709, the sum of eleven pounds nineteen shillings and ten pence, and by receipt, the sum of seven pounds one shilling and six pence, in both amounting to the sum of nineteen pounds one shilling and four pence, to the estate of Richard Lord, Esq[r], of Hartford, deceased: the treasurer is hereby ordered to pay the said sum to his relict and administratrix, Mrs. Abigail Lord, and produce the said bond and bill indorsed with her receipt to the auditors in October next.

Ordered, that the treasurer pay to the persons hereafter named the several sums annexed to their names:

	l.	*s.*	*d.*
To Coll. Samuel Partridge, for goods delivered to our outguard, by order of the Committee of War, - -	03	18	00
To the persons that were improv'd on the out guard, January, 17$\frac{1}{1}\frac{8}{1}$, viz:			
To Serjt. Nathaniel Pinny, - - - -	09	00	01
To Joseph Griswold, - - - -	07	07	04
To Isaac Pinny, - - - - -	07	07	04
To Nicholas Evans, - - - -	07	07	04

Forasmuch as there is one publick bond for forty pounds given under the hands and seals of Shubael Rowly of Colchester, Shubael Rowly, junior, and Joshua Hempsted, for the appearance of the said Shubael Rowly, junior, at the last superior court at New London, which is forfeited in that the said Shubael Rowly did not make his appearance as aforesaid, and the said publick bond remains to be sued

out by some person in the nature of the Queen's Attorney, for the use of the publick treasury: It is therefore ordered by the Governor and Assistants in Council convened, that Mr. John Read be and is hereby impowered in behalf of the publick, as Queen's Attorney, to ask, demand, sue for, levy and recover, the said sum of forty pounds and take all due measures in the law for that end; and upon the recovery of the sum aforesaid or any part or parcel thereof, the same to pay unto the treasurer of this Colony for the time being, taking his receipt for the same and giving the Governor and Council account thereof with all convenient speed at the next convention.

There being several affairs relating to our agency, safety of our coasters, and dividend line, referred by the Assembly to the Governor and Council: The Council, upon the consideration of them, finding that those affairs will require to be transacted at Boston, desire the Governor, if the publick affairs and his own private concerns will admit, to undertake those affairs by a journey thither; or if that cannot be, by such other methods as the posture of affairs will admit, by the advice of the Council at New London, improving therein one or two gentlemen as shall be thought meet.

Upon the application and petition of Capt. Robert Wells, Capt. Joshua Robins and others, for commission of sewers to be granted, for the dreyning a certain parcel of land lying in Wethersfield, the said petition being signed by those proprietors that have the major part of the said land: Resolved that the said commission be granted to Capt. Robert Wells, Capt. Joshua Robins and Lt. Jonathan Belding.

Ordered, that Lt. Coll[l] Matthew Allyn and Major Joseph Talcot do take care of the snow shoes and moggisons in the county of Hartford, that they may be preserved fit for use, on the Colony's charge, and that they take [care] of the country bags and knapsacks, that they may be preserved for the Colony's use.

Resolved, that when the General Assembly shall have granted any number of acres of land to any person, and the land so granted is laid out and return thereof made under the hand of a surveyor, the Governor and Secretary may well and according to law grant a patent of the said land to such person.

Pursuant to an act of the last General Assembly: Resolved that a store of 70 barrels of pork be procured and paid for out of the treasury, and that 40 barrels be procured in the county of Hartford.

At a meeting of the Governour and Council, May 24, 1712.

Present, The Honourable Gurdon Saltonstall, Esq[r], Governour.

Nathan[ll] Standly,
William Pitkin,
John Haynes,
Joseph Talcot,
} Esq[rs], *Assistants.*

Willing Whiting, Esq[r], *Justice of Peace.*

Hez. Wyllys.

Whereas Jonathan Bigelo went from Hartford post to New London, in a deep snow last winter, being agreed by Major Talcot and Mr. Lord, deceased, to find a horse and subsistence at his own cost, and allowed double post wages, the said Bigelo nevertheless applied to Mr. Tainter, justice of peace at Colchester, to have a horse impressed for him from Colchester to New London, and the said justice having impressed for him a good horse of Nath[ll] Kellogge of the same town, which horse the said Bigelo rode so extream hard in that bad season that he was extreamly wrong'd as appear'd by evidence produced to this board: Ordered, that the treasurer pay the said Kellog 20*s.* for the said damage, and that said Bigelo, if he can't shew any occasion to the contrary, be made to allow it.

A bill of account being produced by the committee for signing the bills of credit of this Colony, viz. 10,000*l.* emitted by the act of Assembly in June last, and delivering them to the treasurer: the said account being examined in Council, it appeared that it did not exceed the recompence formerly allowed them by the committee and approved by the Assembly: Agreed, that an order be made upon the treasurer to pay the said committee the sum of the said bill, in all amounting to 54*l.* 5*s.* 11*d.*

Ordered, that 150*l.* be lodged with the Governor, to be imployed, if occasion require, for the security of the coast and coasters, committed to his care by the General Assembly and by the Council.

John Haynes, Esq[r], presented an account to this board of service done by him for the Colony, consisting of several particulars, amounting to one pound six shillings, which was examined and allowed in Council, and the secretary directed to sign an order to the treasurer upon the back of the said account, for the payment of it.

Joseph Talcott, Esq[r], presented an account to this board of service done by him for the Colony, consisting of several particulars, amounting to the sum of eight pounds one shilling and six pence, which was examined and allowed in Council, and the secretary directed to sign an order to the treasurer upon the back of the said account, for the payment of it.

William Whiting, Esq[r], presented an account to this board of service done by him for the Colony, consisting of several particulars, amounting to the sum of one pound four shillings, which was examined and allowed in Council, and the secretary directed to sign an order to the treasurer upon the back of the said account, for the payment of it.

Nathaniel Stanly, Esq[r], presented an account to this board of service done by him for the Colony, consisting of several particulars, amounting to the sum of one pound eight shillings and two pence, which was examined and allowed in Council, and the secretary directed to sign an order to the treasurer upon the back of the said account, for the payment of it.

Pursuant to an act of the last Assembly, the Governor produced to this board the copy of an execution, whereby John Elsworth of Windsor was taken and imprisoned at Springfield for the sum of 52*l.* 2*s.*, which damage was brought upon him for a fact done in this Colony by order of authority; as also a receipt of the said Elsworths for the said

sum of 52*l.* 2*s.* which the Governor received from the treasurer and took care to be sent to the said Elsworth, whereby he was released from prison. And the said copie of the said execution, together with the said Elsworths receipt, were put into the custody of the secretary, and ordered to be carefully preserved.

At a meeting of the Governour and Council, June 2, 1712.

Present, The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.

Daniel Wetherell, Esq^r^.
Richard Christophers, *Assistant.*
Jonathan Prentts, John Plumbe, } Esq^rs^.
John Richards, George Denison, } *Freemen.*

Upon the consideration of the hazard of the coast and coasters by reason of the French privateers, and for preventing as much as may be coasting vessels from falling into their hands, and other mischiefs by surprize: Ordered, that a beacon be erected on Fishers Island, in the usual place on the western point, and an out guard of seven men maintained there: that a suitable boat be provided, to pass between the island and this place, as often as may be with conveniency: that the men imployed in this service be allowed two shillings per day and their subsistence.

At a meeting of the Governour and Council, September the 4th, 1712.

Present,

The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.

Daniel Wetherell, Esq^r^.
Richard Christophers, *Assistant.*
Jonathan Prentts, John Plumbe, } *Justices.*
John Richards,
George Denison,
Capt. John Hough.

Resolved, that the out guard appointed and maintained from June the second, on Fishers Island, be from this time discharg'd.

That ten shillings extraordinary be allowed to Nathaniell Beebee, director of the said guard, for his care therein.

That 20*s.* per month be allowed for the boat improved by the said guard.

That 4*s.* 6*d.* per week be allowed to each of the said guard, for their diet.

That the account of what is due to the said guard for their wages and for the particulars abovemention'd be drawn, and that an order be made upon the treasurer to pay the sum it amounts to, unto John Plumbe, Esq^{r}, who is desired to receive it and pay the same to the persons to whom it is due, per the said account.

The account being now drawn is found to amount to the sum of 79*l.* 6*s.* 9½*d.* which is allow'd of.

Upon a report made to this board, that a mare belonging to Mr. Ingram of Groton, which was impressed into her Majesties service in the expedition against Canada last summer, before she was returned to the said Ingram and discharged from that service, has been taken up and improved by Tho: Davis of Norwich, who still detains her: Ordered, that the sheriff of the county of New London do, with all convenient speed, demand the said mare of the said Davis, together with the colt she has going with her, and take care they be returned to the said Ingram; and that upon his refusal to surrender them, the said sheriff arrest the person of the said Davis and have him before Richard Christophers, Assistant, in New London, that he may be proceeded against according to law, for such a misdemeanor; and that the clerk of the Council and county aforesaid make out a writ to the said sheriff accordingly.

Half a day at this time.

A MEETING OF THE COUNCIL IN NEW LONDON, SEPTEMBER 7TH, 8 OF THE CLOCK AT NIGHT, 1712.

Present, The Governor, Dan^{ll} Wetherell, Esq^{r}, Rich^{d} Christophers, Esq^{r}, *Assistant*, Lt. Prentice, *Justice of the Peace*, Lt. Latemore, Lt. Richards, Mr. Christopher Christophers, Mr. John Pickett.

Upon a letter of the 5th instant, which came to the Governor this day by an express from the superior court at Fairfield, informing that the Honb^{l} Nathan Gold and W^{m} Pitkin Esq^{rs}, appointed judges of the said court, are taken sick and cannot ride this September circuit: Resolved, that Peter Burr, Esq^{r}, in the absence of the abovenamed judges, shall be chief judge of the said court, for this present circuit, and that the Governor give him a commission accordingly.

AT A MEETING OF THE GOVERNOUR AND COUNCIL, OCTOBER THE 1ST, 1712.

Present, The Honourable Gurdon Saltonstall, Esq^{r}, Governour.

William Pitkin, Richard Christophers, } *Assistants.*
John Plumbe, *Justice.*

Joshua Hemstead, John Picket, George Denison, John Richards, } *Freemen.*

Mr. John Reed, the Queens Attorney, having acquainted this board that he hath received 36*l.* of Shuball Rowly of Colchester, in part of the sum recovered of him by judgment of court on the forfeiture of a bond of 40*l.*: This board do thereupon order, that the said Mr. Reed do deliver the aforesaid 36*l.* unto Richard Christophers, Esq^{r}; and that the said Richard Christophers dispose thereof towards the payment of the charge arisen on the tryal of the criminals at the superiour court held in New London on the 23d of September last past, and on the inquiry of the grand jury on some bills offered to them but not found by them; and that he give an account of the payments so made by him unto the auditors of the Colony's accounts, paying himself out of the aforesaid money, for his trouble about the premises.

Pursuant to the above order, Mr. John Reed delivered to Richard Christophers, Assistant, the abovesaid sum of 36*l.*

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[209] *CONNECTICUT COLONY.*

A General Assembly holden at Hartford, in her Majesties Colony of Connecticut, in New England, on Thursday, the 9th day of October, in the eleventh year of the reign of our Sovereign Lady Anne, Queen of Great Britain, &c., Annoque Dom., 1712, and continued by several adjournments to the 17th day of the same month.

Present at this Assembly were,

The Honourable Gurdon Saltonstall, Esq^{r}, Governour.

Assistants,

Nath^{ll} Stanly, Esq^{r},	John Haynes, Esq^{r},
John Hamlin, Esq^{r},	Samuel Eeals, Esq^{r},
William Pitkin, Esq^{r},	Mathew Allyn, Esq^{r},
Joseph Curtice, Esq^{r},	Joseph Talcott, Esq^{r}.

Deputies or Representatives that were present and attended at this Assembly were as hereafter followeth: that is to say,

Coll. William Whiting, Capt. Aaron Cook, for Hartford.
Capt. Rob^{t} Wells, Mr. John Curtiss, jun^{r}, for Weathersfield.
Mr. Roger Wolcott, Capt. Tim^{o} Thrall, for Winsor.
Capt. Sam^{ll} Fish, Mr. Jonath. Starr, for Groton.
Absent, Major John Clark; Mr. Nath. Chapman, for Seybrook.
Mr. James Wells, Mr. Dan^{ll} Brainerd, for Haddam.
Mr. Joseph Phelps, Mr. James Cornish, for Symsbury.
Capt. John Sherman; *absent*, Lt. Titus Hinman, for Woodbury.
Mr. James Rogers, jun^{r}, Mr. Steph. Prentiss, for N. London.
Absent, Mr. Joshua Whitney; Mr. John Smith, for Plainfield.

Absent, Capt. John Griswold; Mr. Robert Lane, for Kellingworth.
Mr. Joshua Riply, Capt. John Fitch, for Windham.
Mr. Zac. Baldwin, Mr. Miles Murwin, for Milford.
Mr. Elisha Pain, for Canterbury.
Mr. James Wadsworth, for Durham.
Capt. Jerem. Fitch, Mr. Joseph Marsh, for Lebenon.
Capt. John Merriman, Capt. Tho. Yale, for Wallingford.
Mr. Tho. Judd, Mr. Steph. Upson, for Waterbury.
Mr. Ebenz Mead, Mr. Tho. Marshall, for Greenwich.
Capt. Manasseh Minor, Mr. Dan[ll] Palmer, for Stonington.
Lt. John Stanly, Mr. John Wadsworth, for Farmington.
Absent, Mr. James Hooker; Capt. Andrew Ward, for Guilford.
[210] *Absent*, Lt. Mathew Seamor; Capt. Joseph Platt, for Norwalk.
Mr. Jonath. Bell, for Stanford.
Capt. Samuel Couch, for Fairfield.
Capt. James Judson, Mr. Benja Curtiss, for Stratford.
Lt. Joseph Rockwell, Mr. William Ward, for Midletown.
Mr. Michael Tainter, Mr. Joseph Wright, for Colchester.
Mr. Abram Brunson, Capt. W[m] Ely, for Lyme.
Capt. Sam[ll] Wells, Lt. Thomas Treat, for Glassenbury.
Mr. James Benedick, for Danbury.
Mr. Nath[ll] Johnson, Mr. Edward Barker, for Branford.
Lt. Samuel Smith, Mr. Samuel Cook, for New Haven.*

Capt. John Sherman, Speaker, } of the House of Rep-
Coll. William Whiting, Clerk, } resentatives.

By order of the Hon[ble] the Governour, the gentlemen members of both Houses met together. His Honour laid before them sundry letters and writings relating to the publick business and affairs of the Colony, and proposed several other weighty matters, and recommended them to this Assembly.

The House of Representatives by their messengers, viz. Mr. Roger Wolcott, Capt. James Judson, and Mr. Sam[ll] Cook, gave the Hon[bl] the Governour the thanks of that House, for his Honours good service and conduct in the publick affairs of the Colony.

Resolved, That an order from this Assembly be sent to the selectmen of the town of Canterbury, to require them forthwith to cause a list of the estates of said town to be taken and

* The following gentlemen were also returned as Deputies, but did not give their attendance, viz: Mr. Jonathan Bates, for Stamford; Capt. Richard Bushnell and Lieut. Solo. Tracy, for Norwich; Capt. John Parks and Mr. Nath. Tracy, for Preston; Mr. John Edwards, for Fairfield; Mr. Abra. Wildman, for Danbury.
Journal of the Lower House, Oct., 1712.

returned to the treasurer, and that the listers be sworn to that work.

The gentlemen nominated by the votes of freemen, (brought in to this Assembly,) to stand for Election in May next, are as followeth, viz: The Hon^ble^ Gurdon Saltonstall, Esq^r^, the Hon^ble^ Nathan Gold, Esq^r^, Nathan^ll^ Stanly, Esq^r^, John Hamlin, Esq^r^, William Pitkin, Esq^r^, Joseph Curtiss, Esq^r^, Richard Christophers, Esq^r^, John Alling, Esq^r^, Peter Burr, Esq^r^, John Haynes, Esq^r^, Samuel Eels, Esq^r^, Mathew Allyn, Esq^r^, Joseph Talcott, Esq^r^, Abram Fowler, Esq^r^, Mr. John Eliott, Mr. John Hooker, Mr. Jonathan Law, Mr. John Sherman, Mr. Warham Mather, Mr. Roger Wolcott.

[211] Upon the petition of Jonathan Barrett, a souldier in her Majesties service sent from this Colony, who was wounded in said service and captivated by the Indian enemy: This Assembly grants him the sum of thirty pounds to be paid out of the publick treasury, for his wages, loss of gun and cloathing, redemption and smart money.

This Assembly grants liberty and full power to Jedediah Canfield of Norwalk, administrator on the estate of Samuel Canfield of said Norwalk, deceased, to sell so much land belonging to the abovesaid estate as the court of probate in the county of Fairfield shall judge necessary for the payment of debts due from said estate.

Upon the petition of Abigail Canfield, widow and relict of Sam^ll^ Canfield late of Norwalk, setting forth her necessitous state: This Assembly orders, that there shall be set out to the use of the said petitioner such of the moveables as are necessary for the upholding of her life, as mentioned in the law, title Executions, according to the direction of the court of probate in the county of Fairfield.

This Assembly do allow and approve of the division made of the companies or trainbands in the town of Wallingford, and do establish and confirm Capt. John Merriman to be Captain, Mr. Joseph Doolitle to be Lieutenant, and Mr. Samuel Munson to be Ensign of the west company or trainband in said town; and likewise Lieut. John Hall to be Captain, Mr. Samuel Royce to be Lieutenant, and Mr. Joseph Munson to be Ensign of the east company or trainband in said town.

This Assembly do establish and confirm Mr. Joseph Wilcocks to be Ensign of the company or trainband in the town of Killingsworth.

This Assembly do grant and allow unto Lieut. William Crocker, twenty four shillings per week during his service

(since May last) upon the frontiers; and that the serjeant that served under him shall be allowed in the same proportion.

This Assembly do grant and allow unto Lieut. Edward Culver, twenty four shillings per week for his service in scouting this summer; and to the English men that served under him two shillings per day; and the serjeant to be paid in the same proportion with the lieutenant.

Cost allowed to Thomas Gillet of Windsor, for his attendance at this Court upon the citation of Atherton Mather of Suffield, is five shillings and nine pence. *Execution granted November 9th*, 1713.

[212] Upon the petition of Joseph Aspinwall of Seybrook, praying this Assembly that his loss of a considerable sum in publick bills of credit of this Colony, which he sustained by fire, (sometime the winter last past in Weathersfield, where he then sojourned,) might be made up to him by allowing him out of the publick treasury so much as he shall be able to give satisfaction of his losing by said fire: This Assembly do impower and appoint John Haynes and Joseph Talcott, Esq^{rs}, and Capt. Aaron Cook, to hear and consider of the same, and make report thereof to this court in May next. Provided the said Joseph Aspinwall pay all charge that shall arise thereupon.

This Assembly grants full power unto the clerk of the town of Canterbury (for the time being) to administer the necessary oaths required by law for the officers chosen by the said town, until some further care be taken respecting the same by this Court.

Upon a petition of John Rogers of New London, complaining of male administration in the county court holden in New London, June the 5th, 1711, as by his petition and paper of explanation added to it and exhibited to this court appears: Ordered, that upon the said John Rogers becoming bound in a good and sufficient bond to the publick treasury of this Colony to prosecute his said complaint against the said county court, and answer all damages if he make not his plea good, (which bond the Secretary is hereby impowred to take care be made and executed and lodged in his office,) the Secretary issue out a citation to the judge and justices of said county court to appear at the General Court to be holden at Hartford in May next, to answer to the said complaint.

Cost allowed to Samuel Bebee of Southhold on Long Island, for his attendance at this Court upon the citation of John Rogers of New London, is sixteen shillings and six pence. *Execution granted June the 1st*, 1713.

It is resolved and ordered, That the auditors appointed by the last Assembly, as soon as their health will admit, do attend the auditing the publick accounts; and that in case any one or more of them be removed by death, or for any considerable time incapacitated by sickness from attending upon that service, such vacancy be supplied by Joseph Curtice, Esq^{r}, [213] || and Mr. Samuel Cook of New Haven, or either of them, or in case of their failure then by persons appointed by the Governour, or Deputy Governour, and Council.

Upon the petition of Capt. Thomas Hart, contra Thomas Hancox: It is ordered by this Assembly, that the said Thomas Hart shall have and has hereby granted him full liberty to bring an action against the said Thomas Hancocks to eject him off the said land, and that no former judgments or pleadings between the said parties, relating to any trials had respecting the said land, shall be admitted in bar of the trial and process hereby granted to the said Hart.

This Assembly grants to the Hon^{ble} the Governour the sum of two hundred pounds, as money, for his salary for this present year 1712, viz. from May, 1712 to May, 1713.

This Assembly grants to the Hon^{ble} the Deputy Governour the sum of fifty pounds, as money, for his salary for this present year 1712, viz. from May, 1712, to May, 1713.

Upon the petition of Elizabeth Sheldon, late wife of Daniel Pratt of Hartford, deceased, requesting this Assembly to authorize some person to make legal instruments of exchange with John Sheldon, of said Hartford, her present husband, of about one acre and half of land on which the said Daniel Pratts father did through mistake build certain tenements, the said land being in the midst of the said Pratts land, which said land the said Sheldon hath since bought of Zachariah Sanford of said Hartford: This Assembly do fully impower John Skinner, of Hartford aforesaid, as feoffee in trust to the heirs of the said Daniel Pratt, to make and deliver a full and ample deed of exchange to the said John Sheldon, of the said acre and half of land, in behalf of the heirs of the said Daniel Pratt, and also that the said John Sheldon give an ample deed of exchange to the said John Skinner as feoffee in trust aforesaid; it being made evident to this Court that the said exchange may be for the benefit of the heirs of the said Daniel Pratt.

Upon the petition of Jonathan Scott of Waterbury, having been taken captive by the Indian enemy but lately return'd from his captivity, requesting some relief from this Court: This Assembly grant him a release from his country rate this

year, and ten pounds more out of the treasury for the loss of one of his thumbs by the said enemy.

[214] Whereas by an act passed by the General Assembly of this Colony holden at New Haven October 13th, 1709, intituled An Act for making and emitting of bills of publick credit, the sum of eleven thousand pounds in the said bills was emitted, which have been since paid out of the treasury for the satisfying the debts of this Colony: And whereas the said Assembly, for the repayment and drawing in the said bills to the treasury again, by their act did grant a tax or rate of twelve thousand pounds, as money, to be levyed on polls and all the rateable estate within this Colony, within the term of six years next ensuing the date of the said act, and so much thereof in each of the said six years as this Assembly should after order and appoint.

It is now ordered and enacted by this Assembly, That for and towards the drawing in the said bills to the treasury of this Colony, shall be levyed and collected, as part of the said tax or rate granted as aforesaid, the sum of three pence on the pound on the polls and all the rateable estate within this Colony, according to the lists of estate for this present year, and to be paid before the first day of July next, in the bills of credit of this Colony, or in money as it shall generally pass in New England at the time of payment, as is provided in an act passed by the General Assembly of this Colony holden at New Haven, August 4th, 1710, intituled An Act in addition unto and for repealing one clause or paragraph in the act made and passed by the General Assembly of this Colony begun and held at Hartford May the 11th, 1710, intituled An Act for the better regulating and giving a more effectual currency to the bills of credit.

The question being put by the Hon^{ble} the Judges of the Superiour Court, (1) Whether upon a tryal for murther, and verdict brought in, wherein the matter at large being found upon evidence, (It is submitted to the discretion of the court whether it be murther or manslaughter only,) the judges ought to determine the point by the rules of the Common Law, there being not so particular direction for the resolution of that point contained in our printed laws, and to give judgment accordingly. (2) If upon debate the crime, found in the verdict specially, appear to be manslaughter and so determined, it is further queryed, what directions the judges ought to have reference to in determining the punishment and giving sentence: In answer thereto, it is the opinion of this Assembly,

that the judges of the superiour court may in the case above proposed determine the same by the rules of the common law.*

[215] Upon a representation made to this Assembly that travellers from the westward to Boston or Providence meet with great difficulty, and are exposed to great danger, for want of a country road laid through the town of Plainfield, both from the center of the said town to the eastern bounds of the said town, and from the country road laid out through Preston unto the same eastern bounds of the said town of Plainfield: It is therefore ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the selectmen of Plainfield do take immediate care, by a jury or otherwise as the law directs, to lay out the two roads abovementioned within their own town; and also that the said selectmen continue the said country road or roads unto the river lying about one mile and a half to the eastward of Francis Smiths; to be done at the charge of this government, so far as it extends to the eastward of the bounds of the said town.

This Assembly, on the petition of Anna Yale of Wallingford, widow, grant liberty to, and fully impower her to exchange an allotment of land lying in Wallingsford aforesaid, containing eight acres, which was the land of her late husband, Nathaniel Yale, of said Wallingsford, deceased, on which the frame of a house was erected by the said Nathaniel Yale; and also to sell the said frame of a house, for the payment of her said husbands debts; it being made evident to this Assembly that the abovesaid sale and exchange is for the benefit of the heirs of the said Nathaniel Yale.

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* At the superior court held at New London, Sept. 23d, 1712, Daniel Gard of Stonington was indicted for murder, and upon his trial, the jury returned the following verdict, viz.: The jury find that on the 16th day of August, 1712, a quarrel arose at the house of Daniel Eldridge in Stonington, between the prisoner, Daniel Gard, and William Whitear, a stranger, and that the prisoner challenged said Whitear to fight; whereupon they went out of the house, and closed in with one another, and that the prisoner threw said Whitear on the ground and fell with him, and there lay until they were parted; and that said Whitear said he told the prisoner immediately he had killed him. The jury likewise find that the said Whitear received a mortal wound in the quarrel, whereof he languished seven days, and then thereof dyed; and that his naked body being searched was found seemingly bruised, and being opened, his bladder was found broke and his belly full of water. And whether upon the whole matter the aforesaid Daniel Gard is guilty of murther or manslaughter we leave to the discretion of the court.

At the adjourned term, Nov. 11, 1712, the court was of opinion that it was but manslaughter, and gave sentence as follows, viz.: That he the said Daniel Gard shall stand upon the gallows, with a halter about his neck, and the other end cast over the gallows, the space of one hour, and then be taken down and whipt on his naked body thirty nine stripes; and then be returned to prison, there to remain until he shall pay the charge of his prosecution and commitment.

Rec. Co. of Assist. and Sup. Co. II. 258, 265.

An Act for emitting Bills of Credit for the Payment of the Publick Debts of this Colony.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there be forthwith emitted a certain number of bills of credit on this Colony, in suitable sums from two shillings to five pounds, which in the whole shall amount to the sum of one thousand and five hundred pounds, and no more; to be of the bills of credit drawn into the treasury by the rate in 1712. And John Haynes and Joseph Talcott, Esq^{rs}, are hereby ordered and impowred to deliver the said bills, to the value of one thousand and five hundred pounds, to the treasurer of this Colony, taking his receipt for them.

And be it further enacted by the authority aforesaid, That [216] the said treasurer be and is hereby ordered || and impowred, to issue forth and emit the said bills towards the payment of the publick debts of the Colony and the further necessary charge thereof, according to such orders as shall be given him from time to time according to law. And the said bills shall pass out of the treasury at the value expressed in the same, equivalent to money, and shall be taken and accepted in all publick payments, at the advance of twelve pence on the pound more.

And be it further enacted by the authority aforesaid, That as a fund and security for the repayment, and drawing in of the said bills to the treasury again, and for defraying any further charge of the Colony, this Assembly grants a tax or rate of one thousand and six hundred pounds, to be levied on polls and all the rateable estate within this Colony, and to be paid into the treasury at or before the first day of July, 1720; which said rate shall be paid in the bills of credit of this Colony, or in money as it passeth generally currant in the country at the time of payment, and in no other manner.

Upon the petition of Abigail Newman of New Haven, widow and administratrix on the estate of John Newman late of New Haven, deceased, requesting liberty to sell some of the land of her deceased husband, for the payment of debts due from the said estate, it being made evident that the personal estate is not sufficient to defray said debts: This Assembly do impower the said Abigail Newman, administratrix aforesaid, to sell so much of the land of the said John Newman as the court of probates shall judge necessary for that end.

It is ordered by this Assembly, That John Haynes and Joseph Talcott, Esq^{rs}, who are appointed by both Houses to deliver to the treasurer one thousand and five hundred pounds of the

bills of credit drawn into the treasury by the rate paid in 1712, unto the treasurer, which are emitted by an act of this Court for the payment of the publick debts of this Colony, shall take an exact account of all the rest of the said bills of credit that were brought in for said rate and in the treasurers hands, and receive them of him and give him a discharge for the same, and make report thereof to this Court in May next, and in the mean time to be lodged in the hands of the committee that signed the said bills until the counterparts of them can be got together, and then disposed of as this Court sees meet.

[217] An Act for encouragement of Learning.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all the parishes which are already made, or shall hereafter be made by this Assembly, shall have to the bringing up of their children, and maintenance of a school in some fixed place within the bounds of their parish, the forty shillings in every thousand pounds arising on the list of estates within their said parish, any other law notwithstanding.

And it is further enacted, That the forty shillings upon the thousand pounds, allowed to the county towns in this Colony for the maintenance of a grammar school, shall from the publication of this act be paid in money or bills of credit; and that the villages that are already made or shall hereafter be made out of any of the said county towns shall receive their forty shilling upon the thousand pounds as pay. This act to continue so long as our rates are paid in money or bills.

And it is also further enacted by the authority aforesaid, That the collegiate school at Seybrook, for maintaining a rector and tutors, and for their further encouragement in the education of youth, (which by the blessing of God affords divers instances of that good success that may be of great advantage to this Colony,) shall receive this present year out of the Colony treasury the sum of one hundred pounds in money or bills of credit of this Colony, instead of one hundred and twenty pounds in pay formerly granted to the said school.

Upon consideration of the petition of six British lieutenants, namely, George Ogilvie, William Strehorn, Michael Waters, John Price, James Ellis, and Walter Butlar, requesting the additional pay, according to her Majesties instructions, of one shilling and six pence per diem from this Colony: This Assembly grants to each of them the sum of seven pounds seventeen shillings and two pence, to be paid by the treasurer; which is one shilling and six pence per diem to the sixth of June last.

Resolved by this Assembly, That upon the judges of the superiour court for the time being, laying their accounts before the General Court in May next, they shall be allowed an honourable satisfaction for their trouble and expences; and what the fees of the said court comes short of doing, it shall be made up to them out of the publick treasury by order of this Assembly.

This Assembly grants to Capt. John Sherman, Speaker of the Lower House, the sum of twenty five shillings for his service this session.

This Assembly grants to Coll. William Whiting, Clerk of the Lower House, the sum of twenty shillings for his service this session.

[218] Upon the petition of the society of Greenwich Old Town, requesting this Assembly to order a committee for the dividing and establishing the bounds between the two societies of said Greenwich Old Town and of Horse Neck: This Assembly makes choice of the Hon^{bl} Nathan Gold, Esq^{r}, Peter Burr, Esq^{r}, and the Revernd Mr. John Davenport, as a committee to endeavour an agreement between the abovesaid societies of Greenwich Old Town and Horse Neck; but if that cannot be obtained, then that the said committee report to this Court in May next the most convenient place to settle the dividing line between the said two societies. It is further ordered, that no distress shall be made upon the inhabitants of the old society towards the defraying the charge of building the ministers house at Horse Neck and breaking up land for him, until the said committee have been at Greenwich and had consideration of said case and made their return to this Court.

This Assembly grants Richard Keeny of Hartford liberty to keep a ferry to transport passengers over Connecticut River, at or near the bounds between Hartford and Weathersfield; provided he keep or maintain good vessels, and faithfully attend said service as the law directs.

This Assembly do appoint and impower Major Joseph Talcott and Capt. Aaron Cook to make sale of what goods and effects are belonging to the government in Hartford.

This Assembly do appoint and impower Mr. John Allyn and Mr. Jonathan Atwater to dispose of what effects belongs to the government that is now lodged at New Haven; and also they are hereby impowred to receive of the administrators or executors of Enos Talmage the effects or produce of twenty seven half barrels of pork sent by him to Rhoad Island for sales.

Upon the petition of Capt. Samuel Fish of Groton, contra John Edgecomb of New London, and Elizabeth his wife, as

administrator of the estate of Joshua Hempstead of said New London, deceased, praying that he may have liberty to prosecute an action brought by the petitioner against the said administrator, to recover the value of a certain tract of land, parcel of said estate, sold by said administrator to the said Fish, lying in the town of Stoningtown, out of which land the said Fish has been ejected by Joshua Hempstead of New London, son of the abovesaid Joshua Hempstead, by a judgment of law, recovered against the said Fish, which action against your petitioner was barred by the superiour court holden in New London, March, 1711: Ordered, that the said Fish have and hereby has granted to him full liberty to prosecute his said action at the superiour court to be holden at New London in March next, against the said administrator, who shall not be excluded from maintaining the title to the said land granted [219] || by the said administrator to the said Fish to be good in the law, by reason of the aforesaid judgment obtained against him by said Hempstead; but the said administrator shall have and has hereby granted unto him full liberty to justify his said sale of the land and the title hereby made to the said Fish to be good, as he could or might have had if he had been brought in by said Fish to vouch it against said Hempstead, or as if no such judgment had been recovered by said Hempstead against the said Fish. Provided always, that the said Fish do cause to be delivered fourteen days before the said court to be holden in New London in March next, a copie of his original writ together with a copie of this act, to the aforesaid Joshua Hempstead of New London. The said Hempstead is hereby granted full liberty to appear in the said court and oppose the title so maintained by the said Edgcomb, as he might or could have done if the said Fish had brought the said Edgcomb voucher to maintain the said title against the said Hempstead.

Upon the petition of Joseph Elderkin of Norwich, praying for the abatement of his imprisonment, as is set forth in his petition: Granted, that if the petitioner shall give bail to any of the judges of the superiour court to render himself to him or any of the said judges upon command at any time within a twelve month after the session of this Court, the time yet to come of his imprisonment, according to the sentence given against him, shall commence when the prison and weather will allow him to be imprisoned without danger of hazarding his health.

Ordered, That a commission be given to Mr. Jeremiah Dummer respecting the ports and management of that affair.

This Assembly approves of the Governours leaving a sum of money in Capt. Jeremiah Dummers hands, to exchange for such broken bills of this Colony as shall be brought to him.

Upon the petition of the inhabitants of the town of Ridgefield, requesting that the charges for the maintenance of the ministry in the said town of Ridgefield may be levyed in equal proportion upon all the lands belonging to the several proprietors in the said town: This Assembly order, that all the lands lying in the township of Ridgefield be taxed in proportion for four years towards the settling and maintaining of the ministry in the said town of Ridgefield.

This Assembly, upon the petition of the inhabitants of New Milford, do grant the powers and priviledges of a township unto the said inhabitants of New Milford, and do impower the town clerk to administer the oaths by law required to town officers.

[220] Upon the motion of Mr. John Vryling of Boston, to allow him the balance of his account for his ship the Mary Gally, lost in the service of this Colony: This Assembly allow and grant to him the said John Vryling the sum of seventy eight pounds six shillings and eight pence, in full pay for the Mary Gally.

The Council assigned by this Court for the Governour, or in his absence the Deputy Governour, in the intervals of the Court, to consist of six at the least, two of which are to be assistants, the rest such judicious freemen as the Governour, or in his absence the Deputy Governour, shall see cause to call to Council; who shall have full power in the intervals of this Court to act in all the affairs of this Colony according to charter, excepting only raising men to send out of the Colony, and money. And Daniel Wetherell, Esq^r, to sit in Council in the room of an assistant.

This Assembly grants to Mr. Samuel Webster, sheriff, for his attendance nine days at this Court and three days attendance at the General Assembly in May last, the sum of two pounds eight shillings, as money.

This Assembly grants to Mr. John Stedman, deputy sheriff, for his attendance at this session, the sum of twenty seven shillings, as money.

Resolved, That Shubael Rowley, (son of the petitioner Shubael Rowley of Colchester,) who was indicted at the superiour court holden at New London in March last, for counterfeiting bills of credit of this Colony, and being bound to his appearance at the said court, forfeited the said bond, shall not be further prosecuted upon that indictment.

This Assembly grant to Joseph Shepard of Hartford the sum of three pounds to be payd out of the publick treasury, for his informing against Ebenezar Seamor for altering bills of credit of this Colony.

The sum total of the List of Estates of the several towns within this Colony, exhibited in this Assembly by their Deputies respectively, are as followeth, viz:

	l.	*s.*	*d.*		*l.*	*s.*	*d.*
Hartford,	20257	1	0	New Haven,	19234	7	0
Windsor,	15131	7	6	New London,	10733	6	0
Fairfield,	16741	8	0	Kellingsworth,	4224	13	7
Groton,	6918	15	0	Windham,	4672	18	0
Durham,	2345	1	8	Stoningtown,	7695	0	0
Preston,	4440	12	0	Haddam,	2887	18	0
East Haddam,	3977	12	0	Wallingford,	8776	0	0
Norwich,	11810	15	6	Greenwich,	5420	0	0
Plainfield,	2080	0	0	Midletown,	9836	0	0
Symsbury,	4637	9	0	Glassenbury,	3554	4	0
[221] Colchester,	3614	14	0	Danbury,	3386	9	0
Waterbury,	2454	18	0	Milford,	13473	15	0
Derby,	3367	18	0	Guilford,	13227	5	0
Woodbury,	3655	0	0	Stanford,	9339	4	0
Norwalk,	8317	0	0	Weathersfield,	14703	1	0
Lyme,	8151	0	0	Seybrook,	7991	10	0
Lebenon,	6359	8	0	Stratford,	13972	9	0
Canterbury,	2154	5	0	Branford,	7056	6	0
Farmingtown,	8275	7	0	East Haven,	2641	9	0

This Assembly do appoint William Pitkin, John Haynes and Joseph Talcott, Esq[rs], Coll. William Whiting, Capt. Aaron Cook, and Capt. Samuel Fish, a committee to supervise the acts of this General Assembly.

The aforegoing record of this Assembly was read off and compared in the presence of the committee abovenamed, and ordered to be signed by the Secretary as perfect and compleat.

Hartford. Test. Hez. Wyllys, Secry.
October 18th, 1712.

There is added to the lists of estates anno Dom. 1712, sent by the listers to the Secretary, the several sums as follows, viz:

	l.	*s.*	*d.*		*l.*	*s.*	*d.*
Hartford,	160	0	0	Woodbury,	833	0	0
Weathersfield,	369	15	6	Stratford,	276	0	0
Windsor,	149	0	0	Branford,	613	11	1
Lebenon,	216	0	0	Glassenbury,	7	0	6
Fairfield,	752	5	8				

At a meeting of the Council in Hartford, October 17th, 1712.

Present, The Honourable Gurdon Saltonstall, Esq^{r}, Governor

John Hamlin, Samuel Eels, } *Assistants.*
William Pitkin, Matthew Allyn, }
John Haynes, Joseph Talcot, }

William Whiting, *Justice.*

It being made evident to this board, that David Robinson of Durham, who has been for some time much distracted, grows outrageous in his words and actions, and cannot, without great hazard to himself and others, be suffered to go at large: Ordered, that Samuel Eels, Esq^{r}, Mr. Jonathan Law, of Milford, and Mr. James Wadsworth, of Durham, they or any two of them, do agree with some good and skillful physitian, (if any such can be had,) to take the said Robinson into his care and cure; and they, or any two of them, are hereby impowered by warrant under their hand to cause the said Robinson to be put into the hands of such physitian; as also by leasing or otherwise to take care that the estate of the said Robinson be improved in the best manner for his support and the support of his family. And all the charges, whether of the maintenance of the said Robinson or otherwise shall arise in the premises, by the doing or ordering of any of the said gentlemen or any two of them, shall be defrayed out of the estate of the said Robinson. And the said gentlemen shall lay a copy of this order, with their proceedings thereon, before the General Assembly in May next.

John Elsworth produced his account of what yet remained due to him by order of the Assembly, upon his imprisonment at Springfield, which was examined and allowed to be in full 2*l.* 16*s.* 6*d.*

Ordered, that the treasurer pay to the said John Elsworth the said sum of 2*l.* 16*s.* 6*d.*

Ordered, that the treasurer pay out of the treasury to William Pitkin, Esq^{r}, for 22 days that he was as chief judge of the superiour court upon the circuit in September last, the sum of eleven pounds.

Memorandum. That James Brown of Colchester was dismissed at Woodbury, (when he left his arms,) but by mistake was entred in the muster rolls as serving the whole expedition, whereby he was payd about five pounds more than his wages, which Capt. Gilbert received for him and had of him for paying his country rate.

Mem. Nathaniel Grant, Nathaniel Byssel has two of the Queen's arms, which were the Indians; and Joseph Holcum's gun is at Coll. Whiting's.

Ordered, that the treasurer deliver to the Governor the sum of two hundred pounds towards paying the scouts under Lt. Crocker above Deerfield, and under Lt. Culver, from Woodstock to Enfield.

At a meeting of the Governour and Council, October the 22d, 1712.

Present, The Honourable Gurdon Saltonstall, Esq^r^, Governour.
Daniel Wetherell, Esq^r^.
Richard Christophers, *Assistant.*
Jonathan Prentts, Esq^r^,
John Plumbe, Esq^r^,
Mr. John Richards,
Mr. John Picket,
George Denison.

Lieut. Crockers muster roll for the scout above Deerfield being produced, examined and allowed, amounts to 213*l.* 15*s.* 5*d.* of which it appears that the treasurer has already payd the sum of 30*l.*

So that there remains due - - - - 183*l.* 15*s.* 5*d.*

Lieut. Culvers muster roll for the eastern scout being produced, examined and approved, amounts to - - - 68*l.* 3*s.* 9*d.*

Of which the Colony has already payd, - - - 4*l.* 3*s.* 6*d.*

So that there remains due, - - - - 64*l.* 0*s.* 3*d.*

Of which 25*l.* is for dyet.

And the Governor having received of the treasurer 200*l.* towards the charge of these scouts, is desired to pay out of it 183*l.* 15*s.* 5*d.* the balance due to Lieut. Crockers scout; and the residue of the 200*l.* being 16*l.* 4*s.* 7*d.* he is desired to pay to Lieut. Culver for his scout, which 16*l.* 4*s.* 7*d.* the Governor payd in Council, and there remaining still due to Lieut. Culver for his scout the sum of 47*l.* 15*s.* 8*d.*: Agreed, that an order be given him upon the treasurer for the said sum, which order was accordingly drawn and signed.

Memorandum. Allowed to Capt. John Prentts for entertaining a post from Deerfield, - - - - - - 6*s.* 9½*d.*

And for entertaining Lieut. Crocker, - - - 3*s.* 11*d.*

And two posts from Lebanon, - - - - 5*s.* 10*d.*

Ordered, that Sergt. Robart Staples of Lyme be allowed out of the Colony treasury for twenty five days service in going to Cowassit with Capt. Right after Lieut. Crocker returned home, the sum of 3*l.* 6*s.* 8*d.* which is 2*s.* 8*d.* per day.

Also that Simon Burton of Colchester be allowed for twenty four days in the same service, the sum of 2*l.* 8*s*

Half a day at this time.

May 8th, 1713. An order this day made out to the treasurer to Robert Staples for the abovesaid sums of 3*l.* 6*s.* 8*d.*

Aug. 29th, 1713. An order this day made out to treasurer to Simon Burton for abovesaid 2*l.* 8*s.*

[Here begins a new Council Book.]

[1] At a meeting of the Governour and Council in New London, January the 26th, 171$\frac{2}{3}$.

Present,

Gurdon Saltonstall, Esq^{r}, Governour.

Daniell Wetherell, Esq^{r}.	Lieut. Robert Lattemore.
Richard Christophers, *Assistant*.	Lieut. John Richards.
Jonathan Prentts, } Esq^{rs},	George Denison.
John Plumbe. }	

Opened in Council, and read, the last packet of letters sent by the Governor to Jeremiah Dumer, Esq^{r}, agent for the Colony of Connecticut, there particulars of which were,

To Jeremiah Dumer an original letter of December 24th, 1712.

Duplicates to Mr. Dumer.

One letter, June the 21st, 1712.

Another, July the 12th.

Another, July the 21st.

To Coll. Nicholson, one of July the 12th.

To Edward Dumer, Esq^{r}, one of July 14th.

A Commission of Agency with Instructions to Mr. Dumer, of October 16th, 1712.

Instructions from her Majesties Colony of Connecticut to Jeremiah Dumer, Esq^{r}, October 27th, 1712.

A letter to the Right Hon^{ble} the Lords of Trade and Foreign Plantations of October 27th, 1712.

[2] The Governor also recommended a project which he had entered into at Boston for an accommodation of the difference between this and Massachusets Province about the dividing line, and put the question upon the whole, what measures would be proper to be further taken, both for the maintaining the interest of the Colony at Court, and for composing that difference.

Resolved, that there be a Council of the Assistants, to be advised with on these affairs, convened at New Haven on Wednesday the 4th of February next, at 10 of the clock in the morning, and that express be sent to them accordingly.

Half a day at this time.

At a meeting of the Governour and Council in New Haven, February the 4th, 171$\frac{2}{3}$.

Present,

Gurdon Saltonstall, Esq^{r}, Governour.

Nathan Gold, Esq^{r}, Deputy Governour.

John Hamblin, Esq^{r},	Samuell Eels, Esq^{r},
Joseph Curtise, Esq^{r},	Mathew Allin, Esq^{r},
William Pitkin, Esq^{r},	Joseph Talcot, Esq^{r},
Peter Burr, Esq^{r},	Abraham Fowler, Esq^{r}.
John Allin, Esq^{r},	

The Governour opened in Council all the particulars of the packet [3] communicated to the Council holden ‖ in Newlondon the 26th of the preceding month, together with a project in order to accommodate the difference between this Colony and the Province of the Massachusets, about the dividend line between us, and propounded it be considered and be resolved, what method might be further taken with relation to the maintenance of the interest of the Colony at Court, and for composing that difference.

In order to an accommodation and issuing the controversy had betwixt this government and the government of the Massachusets, referring to the dividend line between the said governments,

Its proposed and resolved, that committees of judicious persons be respectively named on the part of each government, and appointed to repair to the place of controversy and survey the vacant lands lying betwixt the towns of Suffield and Enfield of the Massachusets side, and the towns of Winsor and Simsbury of Connecticut side, and with the assistance of a skillful surveyor to cause a plan to be made of the lines, extent and quantity of miles contained therein, and to take notice of the challenge as well of any of the said towns as of private persons to any grants within the same or other vacant lands upon the said divisional line betwixt the aforesaid governments, and to make report of their doings to the respective General Assemblies of the said two governments, at their sessions in May, 1713, for their consideration.

And William Pitkin and William Whiting, Esq[rs], are appointed on the part of this government to joyn with the gentlemen to be appointed on the part of the Massachusets to be a committee for the affair aforesaid.

Upon the consideration of the commission and instructions sent by the Governour to Jeremiah Dummer, Esq[r], the Council unanimously approve of them.

[4] It appearing to this board that David Robinson of Durham, a person manifestly bereaved of his understanding, and so much out of the government of his reason that he cannot be suffered to go at large without hazard of his doing mischief, which he frequently threatens, to the persons and estates of the neighbourhood where he lives, going for that end armed with dangerous weapons, and there being reason to hope that if he be placed under a proper care and discipline, and kept to some suitable labour and a course of physick, it may be a good means to bring him to a right exercise of his reason: Ordered, that a precept be made out to the sheriff of the county of Newhaven, or his deputy, with such assistance as shall be necessary, to take the said Robinson into his custody, and deliver him to the keeper of the goal in the county of Hartford, and a precept given to the keeper of the said goal to receive the said Robinson into the custody of the said goal, and there to provide for him, and keep him to such work and under such discipline as he shall receive order for from any one or more of the assistants; and any one of the said assistants are hereby impowred to make out the said precepts and sign them per order of the Governour and Council, and to give such directions, both for physick for his cure and to the said goaler, pursuant to this order, as he or they shall judge necessary

from time to time, till further order shall be taken by the General Assembly.

Ordered, that eighty pound in the bills of credit of this Colony be sent to Jeremiah Dummer, Esq^{r}, in London, as agent for this government; and the Governour is desired to procure with it a bill of exchange for the value of the said sum, payable to Mr. Dumer, and send it to him by the first opportunity.

Resolved, that an order be made to the treasurer to pay the said sum of 80*l* in bills of credit to William Pitkin, Esq^{r}, for the said use, to be kept in his hand for the Governours order.

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[5] At a Meeting of the Governour and Council in New London, the 4th of March, 171$\frac{2}{3}$.

Present,

Governour Saltonstall.

Daniell Wetherell, Esq^{r},	John Picket,
Richard Christophers, *Assistant*,	John Richards,
Thomas Williams, *Justice*,	George Denison.

Agreed, upon consideration of the sickness so long continued in some towns within the Colony, and the state of affairs in the church of Christ in many places of Europe, and to seek the blessing of God upon us in the ensuing year and occasion of it, that a day of fasting and prayer be appointed throughout the Colony, as soon as conveniently may be.

It being certifyed to this board by Mr. Justice Williams of Plainfield, that one Timothy Parkhust of the said town, who was lately brought before him upon suspicion of falsifying certain bills of credit emitted by her Majesties Province of the Massachusets Bay, and uttering them so falsifyed, has made his escape out of the hands of the constable of said town, and is fled from justice; and it appearing by the evidences relating to the said crimes, taken before the said justice, that there is sufficient reason that he should be brought to his tryal: Ordered, that there be a proclamation forthwith printed and published, describing the said person, and offering encouragement of reward and [6] reasonable charges, ‖ in the name of this government, to any person who shall seize and bring the said Timothy Parkhust before one of her Majesties justices of the peace in this Colony, who shall be required to take especial care that he be secur'd, so as to be brought to tryal as the law directs.

May 8th, 1713. This day orders made out to the treasurer to the gentlemen of the Council for their service the last year, which ended this month.

[222] *CONNECTICUT COLONY.*

At a General Assembly and Court of Election, begun and holden at Hartford, in her Majesties Colony of Connecticut, in New England, on the 14th day of May, in the twelfth year of the reign of our Sovereign Lady Anne, Queen of Great Britain, &c., Annoque Domini 1713, and continued by several adjournments to the 29th day of the same month.

Present at this Assembly were,

The Honourable Gurdon Saltonstall, Esq^{r}, Governour.
The Honourable Nathan Gold, Esq^{r}, Deputy Governour.

John Hamlin, Esq^{r},	Samuel Eells, Esq^{r},
William Pitkin, Esq^{r},	Mathew Allyn, Esq^{r},
John Haynes, Esq^{r},	Joseph Talcott, Esq^{r},
Richard Christophers, Esq^{r},	Abram Fowler, Esq^{r},
Peter Burr, Esq^{r},	John Sherman, Esq^{r}.

Representatives or Deputies that were return'd to attend at this Assembly, are as followeth, viz:

Capt. Aaron Cook, Ensign John Marsh, for Hartford.
Lt. Samuel Smith, Mr. Samuel Cook, for New Haven.
Mr. John Richards, Mr. James Rogers, for New London.
Capt. Joseph Wakeman, Ensign Richard Hubbell, for Fairfield.
Capt. Timothy Thrall, Mr. Roger Wolcott, for Windsor.
Capt. Robert Wells, Lt. Benj^{a} Churchill, for Weathersfield.
Capt. John Hart, Lt. John Standly, for Farmington.
Lt. Joseph Rockwell, Mr. William Ward, for Midletown.
Capt. Samuel Wells, Mr. Samuel Smith, for Glassenbury.
Mr. Hez. Brainerd, for West Haddam.
Capt. Thomas Gates, for East Haddam.
Mr. Thomas Judd, Mr. John Hopkins, for Waterbury.
Capt. John Fitch, Lt. Jonath. Crane, for Windham.
Mr. Michael Tainter, Mr. James Newton, for Colchester.
Mr. Nath^{ll} Chapman, Mr. Dan^{ll} Buckingham, for Seybrook.
Capt. William Eely, Mr. Renold Marvin, for Lyme.
Ensign William Gallop, Mr. Thomas Noyce, for Stonington.
Capt. Richard Bushnell, Lt. Joseph Beckus, for Norwich.
Capt. John Parke, Lt. Dan^{ll} Brewster, for Preston.
Mr. Robert Lane, Mr. John Kelsey, for Kellingsworth.
Mr. Samuel Addams, for Canterbury.
Capt. Thomas Williams, Mr. John Smith, for Plainfield.

Capt. William Clark, Lt. John Sprauge, for Lebanon.
[223] Mr. James Morgan, Mr. Jonath. Starr, for Groton.
Capt. James Judson, Capt. John Halley, for Stratford.
Capt. John Merriman, Capt. John Hall, for Wallinsford.
Mr. Joseph Minor, for Woodbury.
Capt. James Beebe, Lt. Josiah Starr, for Danbury.
Mr. James Hooker, Mr. Caleb Leet, for Guilford.
Mr. Joseph Phelps, Mr. Tho. Holcomb, for Symsbury.
Mr. Zac. Baldwin, Lt. Joseph Peck, for Milford.
Mr. Elish. Hawley, Mr. Jonath. Bell, for Stamford.
Capt. Nath[ll] Harrison, Mr. Edward Barker, for Branford.
Mr. Eben[z] Mead, Mr. Sam[ll] Peck, for Greenwich.
Lt. Joseph Hulls, for Derby.
Mr. James Wadsworth, for Durham.*

Capt. Richard Bushnell, Speaker, } of the House of Repre-
Mr. Samuel Cook, Clerk, } sentatives.

This day, being the day appointed by charter, for the Election of the publick officers of this corporation, viz:—the Governour, Deputy Governour, Assistants, Treasurer, and Secretary,—Proclamation was now made in Court, by order of the Hon[ble] the Governour and Council, and the freemen of this corporation proceeded to give in their choice by votes, to persons chosen and appointed by the Governour, Council, and Representatives, to receive and sort them.

The said persons so chosen and appointed were, John Hamlin, Esq[r], Richard Christophers, Esq[r], John Haynes, Esq[r], Sam[ll] Eells, Esq[r], Capt. Richard Bushnell, Mr. Roger Wolcott, Capt. Joseph Wakeman, Mr. Sam[ll] Cook, who were all sworn truly and faithfully to receive, sort, and count the said votes.—And the votes of the freemen having now been brought in, sorted, and counted,—

The Hon[ble] Gurdon Saltonstall, Esq[r], was chosen Governour of this Colony, for the year ensuing, and the Governours oath was administred to him, and also the oath required by him to be taken by the acts of Parliament, relating to trade and navigation.

The Hon[ble] Nathan Gold, Esq[r], was chosen Deputy Governour, for the year ensuing.†

John Hamlin, Esq[r], William Pitkin, Esq[r], Joseph Curtice, Esq[r], Richard Christophers, Esq[r], John Allyn, Esq[r], Peter Burr, Esq[r], John Haynes, Esq[r], Samuel Eells, Esq[r], Mathew

* Mr. Daniel Collins offered himself a Representative for the village of East Haven, by certificate from the constable of the said village, but was not admitted by the Lower House.—*Journal, L. H.*

† From the Journal of the Upper House, it appears that Mr. Gold did not take the Deputy Governor's oath till May 26.

[224] Allyn, Esq^{r}, || Joseph Talcott, Esq^{r}, Abram Fowler, Esq^{r}, and John Sherman, Esq^{r}, were now chosen Assistants for this Colony for the year ensuing. And the said John Hamlin, William Pitkin, Richard Christophers, Peter Burr, John Haynes, Samuel Eells, Joseph Talcott, Abram Fowler, and John Sherman, Esq^{rs}, were now sworn before this Assembly.

Capt. Joseph Whiting was chosen Treasurer for this Colony for the year ensuing.*

Hez. Wyllys was chosen Secretary for this Colony for the year ensuing, and before this Assembly was sworn to that office and trust.

This Assembly nominate and appoint John Haynes, Esq^{r}, to be Judge of the County Court and Court of Probate in the county of Hartford, for the year ensuing.

This Assembly do establish and confirm Ensign Benjamin Grayham to be Lieutenant, and Serjt. Thomas Seamor to be Ensign, of the south side company in Hartford.

Richard Christophers, Esq^{r}, judge, Mr. Nehemiah Smith, Mr. Jonathan Prentts, and Mr. John Plumb, justices of the county court, holden in New London, June 5th, 1711, upon citation made on the petition and complaint of male administration against them by John Rogers of said New London, appear'd in this Assembly, and by their council pleaded in bar: That a copy of said petition attested as the law required was not left with them,—that the male administration which he complain'd of in his petition now read, was foreign to the said Rogers, and that he ought not to be heard in any complaints of that nature,—that there was nothing in the said petition which for the matter of it could be or had any appearance of male administration in the court,—that had there been ground of complaint, it did not come within the time limited by law. And the said John Rogers being put upon making his reply to the several reasons, refused. The Assembly, in favour of the said Rogers, who seem'd not to underderstand the proceedings in such cases, assigned Mr. Richard Edwards, the Queens attourney, to be his council, which said Rogers also refused. The Assembly therefore proceeding to consider the reasons alledged by the council for the said court, [225] why || they should not be obliged to answer at this Assembly to the said complaint, judge them to be valid. It is

* Capt. Whiting appears to have taken the office with reluctance, and did not declare his acceptance till May 28th, and until after the Lower House had passed a resolve, that if he did not immediately accept, the Assembly would proceed to choose another.—*Journal of the Lower House.*

therefore considered and ordered, that the said judge and justices of said county court shall recover of said complainant costs of their present attendance on this Assembly.

Whereas it appears to this Assembly, that the estate of Mr. John Hodson, late of New Haven, deceased, is indebted considerably more then the personal estate of the said deceased amounts,—therefore this Assembly grant power to the administrators on said estate, to make sale of the mansion house and home lot of the deceased and the appurtenances thereof, to enable them to pay the debts of the said deceased, if the court of probates in that county judge it convenient, if not, that they sell other lands of the said deceased for the end aforesaid, according to the direction of the said court of probates.

Upon the petition of Mehetabell Richardson, executrix of the last will and testament of Lemuel Richardson of East Haddam, that she may be enabled to make and execute a deed of a certain tract of land in Stonington, which the said Lemuel Richardson sold to John Noyce of Stonington, as appears by an instrument under his hand and seal: This Assembly grants full power to the said Mehetabell Richardson to make and execute a deed of the said land to the said John Noyce, pursuant the abovesaid agreement of the said Lemuel Richardson.

Upon the petition of John Clark, jun^{r}, of Midleton, that certain Indians, named Siana, Cuschay, and Nannamaroos, living at said Midletown, may be impowred to make a legal conveyance of half an acre of meadow land in Midletown aforesaid, on the east side of the great river, within the meadow commonly called Wongunck, he having first obtained the towns liberty to purchase the same: This Assembly grants liberty to the abovesaid Indians to make a legal conveyance of the said land to John Clark abovenamed.

Whereas Mr. Jonathan Prentts, of New London, has formerly sold some lands belonging to Ralph Prentts of the same town, a poor distracted person: This Court does hereby ratifie and confirm the said sales, and do hereby impower the said Jonathan Prents to sell the remaining lands belonging to the [226] || said Ralph Prentts, for the subsistence of the said Ralph. And it is ordered, that the said Jonathan Prentts do give a fair account to the prerogative court in New London how the money for which the said lands have or shall be sold, hath or shall be expended on the person aforesaid.

Upon complaint of the Pequod Indians, that the town of Groton have disposed of a piece of land belonging to the said

Indians, within the township of Groton: This Court, considering that the said town of Groton have not been regularly certifyed of the complaint, do thereupon order, that the present deputies of the said Groton shall signifie to the said town the said complaint, that the said town may give satisfaction as need may be to the said Indians, that their proceedings about the said land is no wrong to the said Indians, or appear at the next Assembly if they think good to answer to the said complaint, at which Assembly the said complaint will be further considered.

This Assembly do establish and confirm Lt. Ephraim Goodrich to be Lieutenant of the south company in the town of Weathersfield.

This Assembly grants power to Samuel Pyke of New London, an impotent minor, with the allowance of Mr. John Richards of said New London, his guardian, and by the advice and consent of the court of probate in the county of New London, to sell his lands for his relief and support.

This Assembly grants unto Sarah Tutle, administratrix of the estate of Samuel Tutle, her late husband, deceased, of New Haven, such of the moveables of the said deceased, as are necessary for the support of her life, as are excepted from executions, as in the law, title Executions, to be regulated by the court of probates in the county of New Haven; and also grant power to the said Sarah Tutle to make sale of so much land of the said deceased, as will suffice for the payment of the debts of the said deceased; that is, the residue of the said debts over and above what the personal estate of the said deceased, with the exception before mentioned, amounts to; to be likewise regulated by the said court of probates.

This Assembly, on consideration of the petition of Samuel Sedgwick and Hannah Hopkins of Hartford, administrators [227] on the estate of Joseph Hopkins || of said Hartford, deceased, grants to the said administrators power to sell two pieces of land which the said Hopkins in his life time had bought, but not paid for, to answer the purchase of the said lands and the remainder of the debts for which his moveable estate is not sufficient; provided the said administrators attend the advice of the court of probate in the county of Hartford therein.

Upon the petition of Samuel Williams of Weathersfield, administrator on the estate of Elizabeth Honnywell, late of Midletown, deceased, praying liberty to sell so much of the lands of the said deceased for the payment of debts due from the said estate, it being made evident that the personal estate

is not sufficient to defray said debts: This Assembly do impower Samuel Williams, administrator aforesaid, to sell so much of the land of the said Elizabeth Honnywell as the court of probates in the county of Hartford shall judge necessary for that end.

This Assembly do establish and confirm Mr. Samuel Hide to be Lieutenant, and Mr. Nathaniel Fitch of Lebanon to be Ensign, of the second company or trainband in the town of Lebanon.

This Assembly do establish and confirm Mr. Joseph Foot of Branford, to [be] Lieutenant of the company or trainband in the said town of Branford.

This Assembly do establish and confirm Mr. Benjamin Talcott of Glassenbury to be Lieutenant of the company or trainband in the said town of Glassenbury.

This Assembly grants liberty and full power to Eunice Williams of Weathersfield, widow and administratrix on the estate of her late husband, Abraham Williams of said Weathersfield, deceased, (with the allowance and advice of the court of probates in the county of Hartford,) to sell so much of the lands belonging to the estate of the said deceased, as to pay the debts of the said deceased due to the creditors of his estate.

This Assembly grants to John Mayhew of New London, the sum of twelve pounds in credit bills out of the publick treasury of this Colony, for his service, more then he hath had, in going to England.

[228] Upon the petition of Samuel Cooly contra Joseph Lockwood, to have a cause removed out of the common pleas as not triable there, it being a matter of equity: It is considered and resolved, that the petition be not granted, because, by the record of the case as depending in the common pleas, it did not appear but that the original plaintiffs replication to the plea of the defendant may bring it to such an issue as will be triable in the common pleas. Cost allowed Joseph Lockwood abovesaid is 1*l.* 10*s.* 11*d.* *Execution granted May* 15*th*, 1716.

This Assembly grant full power to John Hamlin, Esq^{r}, with the selectmen of Midletown, to sell so much of the lands of Susannah Foster of said Midletown (she being non compos mentis,) as may be sufficient for her comfortable subsistence.

Upon the petition of Susannah Way, late widow of Joseph Beckwith of Lime, praying that she may have the wages due for her apprentice Benjamin Fox, for his service in the first expedition to Wood Creek, until the time of his apprenticeship

was out, which was four months and half: Ordered by this Assembly, that what shall by the Governour and Council be found remaining due upon the commissarys accounts, to the said apprentice for his said service, be paid out of the publick treasury to the said Susannah Way.

Upon the petition of Hannah Dolitle, relict and administratrix on the estate of Ebenezar Dolitle of Wallingsford, deceased, liberty and full power is granted to her by this Assembly to give a deed to Joseph Parks of said town for four acres of land lying in said Wallingsford, which her late husband in his life time sold to the said Parks and did not give a deed for; it being made evident to this Court that the said sale may be for the benefit of the heirs of the said Ebenezar Doolitle.

Upon the petition of Sarah Spalding, widow and relict of Benjamin Spalding of Plainfield, deceased, that she may be enabled to make and execute a deed of exchange for land lying in said town, to Mathias Butten of said Plainfield, which her deceased husband in his life time did agree to give the said Butten: This Assembly grant full power to the said Sarah Spalding to give a deed of exchange for said land unto the said Mathias Butten.

This Assembly appoint Mr. John Winthrop to be Justice of Peace and Quorum in the county of New London.

[229] Whereas this Assembly held at Hartford, October 9th, 1712, granted liberty unto and fully impowred Anna Yale of Wallingford, relict of Nathan[ll] Yale, to exchange an allotment of land lying in Wallingford aforesaid, containing eight acres, which was the land of the said Nathaniel Yale: It now appearing there was a mistake in the quantity of land above described, expressed to be eight instead of nine acres, this Court grant the said petitioner power to convey the whole nine acres.

This Assembly do establish and confirm Mr. Jonathan Elsworth of Windsor to be Ensign of the company or trainband on the north side of the little river in the town of Windsor aforesaid.

Whereas the General Assembly in May, 1712, did impower and order the Worshipfull Mathew Allyn, Esq[r], and Mr. John Plumb of New London, to find out and renew the dividend line between the towns of Windham and Canterbury, as it is described in Windham pattent, bearing date the 8th of July, 1686, and extend it to Norwich bounds; and if they could not find the said ancient line, then to run and state the said line, and make return thereof to the next General Assembly: And

whereas the said service hath been attended, and the said line found and refreshed by the said gentlemen, and their return thereof made to the General Court in October last, and by that Court referred to the consideration of this Court, and now approved: It is thereupon resolved by this Court, that the said divident line so found and refreshed, that is to say, a straight line from a white oak tree marked with divers letters and MA on the west side, and P on the east side, standing by Appaquag, to a white oak tree eight miles southwesterly standing on the west side a path, called Nipmug path, marked with the aforesaid letters and with the letter B, and from thence to a tree marked by Capt. Daniel Wetherell and Mr. William Pitkin, on Norwich line, is and shall be the dividing line between the towns of Windham and Canterbury.

Upon the return of the committee appointed by the General Court in October last to consider the most convenient place for the dividing line between the two societies in the town of Greenwich, (if the said societies could not agree between themselves:) [230] ‖ It is now resolved, that the said dividing line shall be according to the said return; that is to say, a parallel line to the east bounds of said town, from the meeting of the brooks called the Brothers, unto the north and south bounds of the township; only the land or lands on either side of said line to be accounted to the benefit of that society within which the mansion or dwelling house of him that owns said land stands, according to the mutual desire of the committees of said societies.

Upon the petition of Rachel Judd, relict of John Judde of Farmington, deceased, requesting of this Assembly to grant her power to give a deed of exchange to Daniel Judd of said Farmington, of one acre and half of land, lying on the north end of the abovesaid Daniel Judds home lot and a west division of land about fifty acres at a place called the Birches, for three acres of land on the north side of the said John Judds home lot, pursuant to a bargain made between the said Daniel Judd and John Judd, in the said Johns life time: This Assembly grants the said Rachell Judd full power to give a deed of exchange of the abovesaid lands to the said Daniel Judd, for the use and benefit of the children of the said John Judd.

Upon the petition of John Rogers, jun^{r}: Resolved by this Assembly, that the petitioner hath not proved in his evidence any wrong done him as he complains in his petition.

Thomas Griffen and Thomas Holcomb of Symsbury, administrator on the estate of Nathaniel Griffen, late of Symsbury, deceased, petitioning this Assembly to grant them full power

to sell so much of the lands of the said deceased, (by the direction of the court of probates in the county of Hartford,) as may be sufficient to make payment of the remainder of the lawful debts of the said Nathaniel Griffen and other necessary charges; the moveable estate of the said deceased appearing to be insufficient to discharge the debts of the said Nathaniel Griffen; which petition is granted by this Assembly.

Upon the petition of Noah Wells, eldest son of Noah Wells, late of the town of Colchester, deceased, requesting this Assembly to impower him to execute a deed of sale to convey a certain tract of land in Colchester, in quantity one hundred and fifty acres, sold by the said Noah Wells, deceased, in his life time, to Daniel White of Windsor: This Assembly grants the said Noah Wells, petitioner, full power to give a deed of sale of the abovesaid one hundred and fifty acres to the said Daniel White.

[231] Upon the petition of Mary Fitch, relict of Daniel Fitch, late of New London, deceased, shewing that the said Daniel Fitch did, in the year 1703, covenant with his servant Samuel Spicer, to give him the said Samuel Spicer, fifty acres of land, in consideration of eight years service performed by the said Spicer: This Assembly grants power to the said Mary Fitch to give a deed of fifty acres of the said Daniel Fitches land to the said Sam^{ll} Spicer.

Upon the petition of the inhabitants of the north part of the town of New London to be made a parish, their desire is referred to the General Assembly in October next; and it is recommended to the town of New London, in the mean time to consider and allow of a line to divide the said parish from the town as convenient as may be, for the encouragement of the said inhabitants in the good work proposed of settling a minister of the gospel among them.

This Assembly do establish and confirm Mr. William Minor of Lime to be Lieutenant of the second company or trainband in the said town of Lime.

Cost allowed to Bevill Waters of Hartford, for his attendance at this Assembly upon the citation of Richard Seymor of said Hartford, is eight shillings, money.

Upon the petition of John Pratt of Seybrook, this Court grant that the said Pratt shall have out of the publick treasury of this Colony the sum of 13*l.* 13*s.* 0*d*, in consideration of the great charge the said Pratt hath been at for his subsistence and cure of his lameness, (since his freedom from his apprenticeship,) occasioned by his being in the Colony service in the first expedition to Wood Creek.

Upon the petition of John Wright of Weathersfield, guardian to the heirs of Joseph Crane, late of Weathersfield, aforesaid, deceased, Jonathan Belding, guardian to the heirs of Israell Crane of said Weathersfield, deceased, requesting that they, together with the guardian that shall be appointed by the court of probates for the county of Hartford instead of James Steel, of said Weathersfield, deceased, who was guardian to the heir of John Crane, late of said Weathersfield, deceased, may be impowred to make legal sale of so much of the lands of the minors abovesaid under their guardianship as is their proportion of the debts as are due from the estate of Isaac Crane, son of Benjamin Crane, late of said Weathersfield, deceased: This Assembly grants full power to the abovementioned guardians, together with the guardian that shall be appointed by the court of probates instead of James Steel, de- [232] ceased, to sell so much lands of || the minors abovesaid under their guardianship as is necessary to discharge their proportion of the debts due from the estate of the said Isaac Crane.

On consideration of the petition of Hannah Bull, relict of Joseph Bull of Hartford, deceased, and Caleb Bull, son of the said Joseph Bull, administrators on the estate of the said Joseph Bull, praying this Assembly to impower them to make a deed of sale of a lot of land in Coventry, with the other rights and divisions to the said lot belonging, unto Joseph Long of said Coventry, sold to him the said Joseph Long, by the said Joseph Bull in his life time: This Assembly grants power to the said Hannah Bull and Caleb Bull to give a legal conveyance of said lot, with the other rights and divisions appertaining thereto, unto the said Joseph Long.

Upon the memorial of William Sanford of Hartford, shewing that he the said Sanford, being in her Majesties service last year under the command of Serj^{t} Avery, scouting from Deerfield, was taken prisoner and carried to Canada, and redeemed by Lieut. Stephen Williams, for which he, the said Sanford, is obliged to pay the said Williams seventeen pounds: This Assembly order, that the sum of seventeen pounds in the bills of credit of this Colony be by the treasurer delivered to Major Joseph Talcott and Capt. Aaron Cook, and so much thereof by them be paid to said Williams as is yet his due for redeeming the said Sanford, and deliver the remainder of the said seventeen pounds to the said Sanford.

Upon the petition of Ann Allyn of Windsor, widow and relict of Benjamin Allyn, late of said Windsor, deceased, shewing to this Assembly that the personal estate of said Benjamin Allyn

is not sufficient to pay the just debts due from his estate: Full power is by this Assembly granted to the said Ann Allyn, with the advice of the court of probates in the county of Hartford, to sell three acres of land on a place called the Island, and the land belonging to the said Benjamin Allyns estate that was Samuell Watsons.

This Assembly grant that Elizabeth Andruss of Hartford, shall have forty shillings out of the publick treasury of the Colony, on consideration of what her son lost when he was killed in the Colony service under Lieut. William Crocker.

Upon complaint that Robert Sileman hath omitted and does yet refuse to give in a list of his estate for the year 1712, to [233] the listers of Fairfield: This Assembly resolve that ‖two hundred and fifty pounds be on that account added to the list of Fairfield for the year 1712, and order the treasurer to give warrant to the constable of Fairfield to recover of the estate of the said Sileman the rate arising upon the said two hundred and fifty pounds, and do likewise impower the collectors of the town's and ministers rate in the said town to collect the respective rates arising from the said two hundred and fifty pounds of the said Sileman.

Upon the petition of the inhabitants of Massamugget, in order to their being enabled to set up and maintain the worship of God among them: It is ordered that the said inhabitants, as soon as they have procured a minister to live and preach among them, shall for the space of four years next ensuing, and have hereby granted them full power, (as inhabitants of other towns may,) to make rates and raise such sums of money for building a meeting house, ministers house and settlement, with his maintenance, as the major part of them shall judge fit; that the said sum or sums may be raised two thirds on the real estate or land within the bounds of said Massamugget and one third on heads and stocks and other rateable estate. And it is further ordered, that if any proprietors of land within the said circuit or bounds shall refuse to pay their respective rates, and no moveable estate can be found within the said township to answer for and pay such rates, execution for recovery of such rates shall be levyed on their lands. And it is also ordered that the said Massamugget shall be called Pomfret, and the brand for horses shall be this figure, P.

Whereas complaint is made by several soldiers that were impressed to serve her Majestie in the year 1711, and by reason of sickness did not proceed in the expedition, nor have been allowed what is their due by law for their service and time spent: This Assembly impowers the Governour and

Council to hear all such complaints and give orders to the treasurer to pay to such souldiers what they shall find due to them by law.

This Assembly do establish and confirm Mr. John Elsworth of Windsor to be Lieutenant of the company or trainband on the east side of Connecticut River in the town of Windsor aforesaid.

George Stocking and Daniel Stocking of Midletown applying themselves to this Assembly for power to dispose of so much of the lands of John Stocking of said Midletown, a distracted person, as shall be necessary or sufficient for his comfortable support, and to defray the charges that accrue by reason of his distraction: This Assembly impower the said George [234] and Daniel Stocking to make sale || of so much of the lands of the said John Stocking as shall be necessary for the ends abovementioned, according to the direction of the court of probate in the county of Hartford.

It being moved by the proprietors of and within the town of Milford that a deed of release and quit claim of and in the lands within the said town, by them presented to this Assembly, may be granted by this Assembly and signed and sealed by the Hon^{ble} the Governour and the Secretary: This Assembly grants that the same be executed accordingly.

Liberty and full power is by this Assembly granted unto Mr. Louis Lyron and Jonathan Osborn, administrators on the estate of Mr. Jeremiah Osborn of New Haven, deceased, to sell so much of the lands belonging to the estate of the deceased, (with the advice of the court of probates in the county of New Haven,) as shall pay the debts due from the said estate, more than moveables amount to.

Upon the petition of divers inhabitants of Weathersfield dwelling in the west division of lands on the borders of said town, requesting that they may be allowed to be a distinct parish for the publick worship of God amongst them: This Assembly allows and grants the said petitioners to be a distinct parish for the publick worship of God, according to the grant of the town of Weathersfield; which parish is contained within these following limits, that is to say, two miles and fifty rods in width from Farmington township eastward, bounded on the north by Hartford, and on the south by Midletown; and that they shall be discharged from paying their dues to the minister of the town of Weathersfield, when and so long as they maintain the publick worship of God among themselves.

Upon the petition of John Kerby of Midletown, administrator on the estate of Joseph Kerby, late of said Midletown, de-

ceased, shewing to this Assembly that the personal estate of the said Joseph Kerby is not sufficient to pay the just debts due from his estate: Full power is by this Assembly granted to the said John Kerby, with the advice of the court of probates in the county of Hartford, to sell so much of the lands belonging to the estate of the said deceased, as may be necessary for the payment of his debts.

[235] Liberty and full power is by this Assembly granted unto Mr. John Hopkins, administrator on the estate of Israell Richardson, late of Waterbury, deceased, (with the advice of the court of probates in the county of Hartford,) to sell so much of the lands belonging to the estate of the deceased as shall pay the debts due from said estate, more than the personal estate amounts unto.

Resolved by this Assembly, (upon the petition of the inhabitants of the town of Canterbury,) That the surveyor of the county of New London, at the charge of the town of Canterbury, shall run the bounds of the said town, (excepting only their bounds to the west, which are established by this Court,) according to the grants and concessions formerly made by this Court, and make a return of his doings therein to the General Assembly in October next.

It appearing to this Assembly that execution hath been levyed on the estate of Capt. Thomas Wells, deceased, to the value of seven pounds and no more, on account of judgment obtained against him by Daniel Shilton in the General Court in May 11th, 1699, and paid to the said Daniel Shilton: It is resolved, that an alias execution shall be granted and levyed on the estate of the said Thomas Wells, and for want of such estate, on Ephraim Goodrich and Jerusha his wife, administrators on the estate of the said Tho. Wells, for the sum of eighteen pounds fifteen shillings and nine pence, country pay, yet remaining of said judgment, and paid to the said Daniel Shilton, with costs, which is 2*l.* 15*s.* 6*d.*

Resolved by this Assembly, That execution shall not be levyed on the estate of Capt. Samuel Wells of Glassenbury on account of a judgment obtained against him by Daniel Shilton in the General Court in May 11th, 1699; it appearing to this Assembly upon a scire facias issued out against the said Samuel Wells by the said Daniel Shilton, that the said Samuel Wells hath satisfyed and paid his part of the said judgment according to the direction of the General Assembly in May 8th, 1701, as by the endorsement on the original execution.

Upon the petition of Richard Williams of Plainfield, this Assembly grant to the said petitioner one hundred acres of

land, where he lives, adjoyning to the east side of Plainfield town, to be laid out to him by the surveyor of the county of New London.

[236] Upon consideration of the advice we have of complaint and endeavours against the charter governments, and ours in particular, in order to the obtaining some acts or orders to the prejudice of the said governments: The Governour and Council are hereby desired to use such measures as they shall think proper, either in conjunction with the neighbouring charter governments, or otherwise, for the answering of all such complaints and preventing all such endeavours from taking the effect designed. And they are hereby enabled to draw out of the publick treasury of this Colony any sum or sums, not exceeding the sum of one thousand pounds, to be imployed in the said service as they shall order.

Upon a view of the agreement of the Governours and Councils of the Province of the Massachusetts Bay and this Colony, for the appointing of Commissioners of both governments to survey the land lying near the line of division between the said governments, and to draw a map of the same to be laid before the Assemblies of each government, in order to the governments coming into some method for the fixing of the said line and putting an end to the controversies relating thereto or depending therein: And whereas the said commissioners have attended the said service and prepared two maps of the said line and lands, signed with all their hands, one of which is transmitted to the Governour, Council and Assembly of the said Province, and the other of them is now lying before this Assembly,

It is resolved and ordered, That the Governour and Council shall appoint Commissioners, for and in behalf of this government, fully impowred, and they are hereby fully impowred, to meet and treat with such commissioners as shall be appointed and impowred by the government of the said Province, to meet and treat with them, and to come to such conclusion with them, for the fixing and settling the said line of division between the governments, and securing or establishing all such properties in lands as are bordering thereon, and putting an end to the controversies and strifes that have arisen, as they shall judge to be meet, according to the instructions they the [237] said commissioners shall || from time to time receive from the Governour and Council of this Colony; and whatsoever agreement the said commissioners on the behalf of this government shall conclude with commissioners of the Massachusetts government as aforesaid, and perfect under their

hands and seals, shall forever hereafter be held good and firm on the part of this government.

This Assembly do establish and confirm Mr. Thomas More of Windsor to be Lieutenant of the company or trainband on the west side of the little river in the town of Windsor aforesaid.

This Assembly do establish and confirm Mr. Abraham Phelps, jun^{r}, of Windsor, to be Lieutenant of the company or trainband on the north side of the little river in the town of Windsor aforesaid.

Upon the petition of Mehetabell Laboree of Guilford, widow and relict of Anthony Laboree, late of said Guilford, deceased, shewing to this Assembly that the personal estate of said Anthony Laboree is not sufficient to pay the just debts due from his estate: Full power is by this Assembly granted to the said Mehetabell Laboree, with the advice of the court of probates in the county of New Haven, to make sale of the mansion house and home lot belonging to the estate of the deceased, for the payment of his debts.

Resolved by this Assembly, That the Governour and Council procure a good printer, as soon as may be, to settle in this Colony; provided one can be procured upon terms not exceeding those made with the late printer.

Whereas Mr. Robert Bartlet of New London, deceased, did upon his death bed before credible evidences declare, that his will was that his estate, real and personal, should be improved for the use and encouragement of a school in the town of New London; according to which design of the said Bartlet, his real estate has for the space of about forty years been and remained to the said use, without any claim or demand for, from or by [238] any person or persons as heir || or heirs to the said Bartlet: and whereas there may arise some doubt whether the said estate is not an escheat to this government, there being no heir thereof appearing, and consequently the said school may lose the benefit designed and intended thereto by the said Bartlet: and forasmuch as the said real estate lyes in such parts and small parcels, and for the most part in such a manner, that it neither yet has, or is likely to prove of any considerable benefit to the said school: For the remedying of the same, and for the rendring the said estate more profitable to the good and pious use to which it was designed by the said Bartlet, this Assembly does hereby give and grant the said land or real estate, and demise, quit claim and release all their right, title and claim thereunto, unto Richard Christophers, Esq^{r}, Mr. Jonathan Prentts, Mr. John Plumb, Mr. John Richards, Mr.

James Rogers, jun^r^, all inhabitants of the said town of New London, (in their seizin and possession now being,) and to their heirs forever, for the use and uses hereafter mentioned, and for no other use whatsoever; that is to say, for the use of a publick Latin school in the said town, and to be improved for that end from time to time, as the committee appointed for the management of the school, in the said town, (or, in case no such committee be appointed,) as the selectmen of the said town for the time being shall direct or order, as fully and amply, and notwithstanding any demands that may be made upon it, as an escheat, as it might and should have done, if it had been in the fullest and amplest manner so given by the said Bartlet in any last will and testament, signed and sealed by him as the law directs. Provided only, that forasmuch as the said estate is not thought like to be of any considerable use or benefit to said school, as it now lies in such parcels as before specifyed, this Assembly does hereby impower Richard Christophers, Esq^r^, Mr. Jonathan Prentts, Mr. John Richards, and Mr. James Rogers, jun^r^, all of New London, or any three of them, at the desire of the said town testifyed by their major vote, to alienate the said real estate, or any parcel of it, for other real estate to the value, and more conveniently situate; or if such other real estate cannot be procured, then to lease out the money gained by the said sale, upon good mortgage, for the use and benefit of the said Latin school in the said town.

[239] Whereas several of the bills of credit emitted by this Colony have been by some evil persons altered and changed from the smaller sums unto the greater, by which means divers persons have suffered considerable damages: For the prevention of which evil practices and wrong,—

It is enacted by the Governour, Council and Representatives, in General Court assembled, That there be forthwith imprinted a certain number of bills of credit on this Colony, in suitable sums from two shillings to five pounds, which in the whole shall not amount to more than the whole sum of such bills of credit of this Colony as have not yet been called in by any tax or rate and are still outstanding, which sum by computation is found to be twenty thousand pounds; which bills shall be indented and stamped with such stamps as the Governour and Council shall order, and be signed by the committee appointed for the signing of the bills of credit of this Colony last emitted, they or any three of them, and of the tenor following, that is to say,

No. ( ) 20.

This Indented Bill of Twenty Shillings, due from the Colony of Connecticut in New England to the Possessor thereof, shall

be in Value equal to Money, and shall be accordingly accepted by the Treasurer and Receivers Subordinate to him, and for any Stock at any Time in the Treasury. Hartford, July the Twelfth anno Dom. 1709—By order of the General Assembly.

A. B.
C. D. } Committee.
E. F.

And so mutatis mutandis for a greater or lesser sum.

And it is further enacted, That the said bills so to be imprinted by this act, shall by the said committee be put into the treasurers hands, taking his receipt of the same. And the said treasurer is hereby impowred at any time within one year and a half after the fourteenth day of this present May in the year of our Lord 1713, to exchange the said bills with any person who shall within the said time offer him in exchange any of the outstanding bills of credit of this Colony, value for value, but not to give or dispose of them to any other use or end whatsoever, without the order of this Assembly.

And it is further enacted, As soon as the bills to be imprinted and signed by this act, shall be put into the hands of the treasurer, a proclamation be printed and published pursuant [240] || to this act, directing all persons that have any such bills in their hands, outstanding as abovementioned, to bring in their said bills into the treasury, to be exchanged by the treasurer as abovesaid, on penalty of having their demands upon the treasury, by reason of such bills, refused.

An Act for the laying out and maintaining Highways and preventing Nuisances upon them.

Whereas travellers are exposed to great difficulties and*

Upon the request of John Hurlbut of Midletown, grandson to Thomas Hurlbut, sen^r^, deceased, who was a Pequot souldier, made to this Court for a committee to lay out a grant of land made to the said Thomas Hurlbut, sen^r^, by this Court in October the 12th, 1671, of one hundred and twenty acres of land: This Court appoints John Collins and John Bacon of said Midletown a committee to lay out the said one hundred and twenty acres of land, where the said John Hurlbut shall direct them, not interfering on any former grants, at the abovenamed John Hurlbuts charge.

Cost allowed Samuel Beebe of South Hold on Long Island, for his attendance at this Assembly upon the citation of John Rogers, sen^r^, of New London, is 3*l.* 5*s.* 2*d.* *Execution granted June 1st*, 1713.

* This bill passed in the Upper House in October 1712, and was referred to this session, when it was negatived by the Lower House. No more is recorded.

This Assembly do establish and confirm Mr. John Case of Symsbury to be Captain of the company or trainband in the town of Symsbury aforesaid.

This Assembly do appoint Richard Christophers and Peter Burr, Esq^{rs}, and Mr. Samuel Bishop and Capt. John Hart, to audit the treasurers account with the Colony in October next.

Whereas the treasurer has represented to this Assembly, that he meets with great obstructions in gathering in the Colony rates from the respective constables, for want of having some officer who may be able, by the treasurers order, to levy executions on the said constables for the rates they are respectively obliged to gather, in any county or town within the government: For the better enabling the said treasurer to gather [241] in || said rates,—

It is hereby enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whensoever the treasurer aforesaid shall grant and sign any such execution, to be levyed as aforesaid on any constable in any town within this Colony, for the rate, or any part of the rate, still in the hands of such constable or constables, and shall direct the said execution to any one of the sheriffs of the respective counties to serve, the said sheriffs are hereby impowred and commanded to serve such execution, in and throughout all the towns and counties in the Colony.

This Assembly grants to Capt. Richard Bushnell, the Speaker of the Lower House, for his good service this session, the sum of thirty shillings, to be paid out of the publick treasury.

This Assembly grants to Mr. Samuel Cook, Clerk of the Lower House, the sum of twenty five shillings for his service as clerk this session, to be paid out of the publick treasury.

This Assembly grants to Richard Christophers, Esq^{r}, for his service in informing against Shubael Rowley for counterfeiting bills of credit of this Colony, viz. the sum of twenty pounds, to be paid out of the publick treasury.

Resolved by this Assembly, That William Pitkin, Esq^{r}, shall be allowed out of the publick treasury of this Colony the sum of four pounds for his service in the two last circuits more than he hath already received.

Resolved, That petitions upon controversall matters to the General Assembly, upon which any persons are cited to answer to the complaint in such petition, as being parties concerned therein, shall for the future be brought to the General Assembly to be holden in October annually, and at no other time.

John Rogers, sen^r^, of New London, appearing in this Assembly and openly charging the county court holden in New London with felony, rapine and injustice, and accusing the Governour of this Colony, then present, with being an abettor of the same: This Assembly have considered his offence and [242] high misdemeanour,—do resolve that || the said John Rogers shall pay a fine of twenty pounds to the publick treasury of this Colony for the same, and execution be granted by the Secretary accordingly.

Whereas this Assembly hath enacted that a certain number of bills of credit on this Colony, for the sum of twenty thousand pounds, shall be forthwith emitted and delivered to the treasurer by a committee appointed.

Be it further enacted, That the said treasurer be, and is hereby ordered and impowred to issue forth and emit the sum of one thousand pounds of the said bills towards the payment of the publick debts of this Colony, and the further necessary charge thereof, according to such orders as shall be given him from time to time according to law.

And be it further enacted, That as a fund or security for the repayment and drawing in of the said bills into the treasury again, and for defraying any further charge of the Colony, this Assembly grants a tax or rate of one thousand and fifty pounds, to be levyed on polls and all other rateable estate within this Colony, and to be paid into the treasury at or before the last day of May, 1718; which said rate shall be paid in the bills of credit of this Colony, or in money as it passeth generally in the country at the time of payment, and in no other manner.

Agreed and ordered by this Assembly, That for the future the General Court in October annually shall be held in New Haven.*

The inhabitants of the town of Hebron complaining to this Assembly that there is not a sufficient number of inhabitants to set up and maintain the worship of God amongst them, and that people are discouraged and hindered from settling in the town by some persons claiming land in the said town, whereby they have not the publick worship of God among them: Now for the remedy thereof,

Ordered, That all persons claiming any lands within the town of Hebron shall enter their right and claims to the lands in said town, in the registers of the town of Hebron, by the first day of August next, upon penalty of forfeiting the sum of

* "An act to remove the General Courts in October annually to New Haven past in the Lower House, when the house was very full." Journal L. House, May 27, 1713.

ten shillings per month for each neglect of such entries to be made, to be paid to the treasury there; and that all persons claiming lands in the town of Hebron that have not settled inhabitants on the same, shall settle a sufficient number of in- [243] habitants on the lands within || five years next ensuing, to say not less than sixty families in the space of five years; and the remainder of the land not settled at seven years end, still to be taxed as within said seven years until the sixty families be made up. And the inhabitants of the town of Hebron are allowed and impowred for the time of seven years next ensuing, to levy a rate or tax of sixty pounds cash, or bills of credit, of such persons as have or claim the lands, according to direction of the laws directing for the gathering ministers rates; and if any person shall complain he is overtaxed, he shall make his application to the county court, who are impowred to hear and adjust that affair. And the money raised as aforesaid shall by the collector of the town of Hebron be paid to the selectmen of said town, to be by them improved for the setting up and maintaining the publick worship of God there.

Upon the petition of Joseph Phelps of Windsor, requesting some allowance for several things lost by his son, Joseph Phelps, a souldier improved in a scout under the command of Lt. Crocker, in his escape from the Indian enemy: This Assembly grant to the petitioner the sum of thirty shillings, to be paid him out of the Colony treasury.

The Council assigned by this Court for the Governour, or in his absence the Deputy Governour, in the intervals of this Court, shall consist of five at the least, two of which to be assistants, the rest such judicious freemen as the Governour, or in his absence the Deputy Governour, shall see cause to call to Council; who shall have full power in the intervals of this Court, to act in all the affairs of this Colony, according to charter, (except only the raising men to send out of the Colony, and money.) And Daniel Wetherell, Esq^{r}, is to sit in Council in the room of an assistant.

This Assembly do establish and confirm Mr. Henry Woolcott of Windsor to be Ensign of the company or trainband on the east side of the great river in the town of Windsor aforesaid.

An Act for the Correcting and Restraining of Rogues and Vagabonds, and other Persons of Evil Name and Fame, for Rude and Prophane Discourse, &c.

Whereas several persons, wanderers and others, have by their vile and prophane discourse and actions proved a snare to

youth especially, and tends to the great detriment of religion, [244] and is of pernicious consequence: || For the prevention of which, and for the better regulation of such disorderly persons, and punishing of such rudeness and misbehaviour,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the goals in the respective counties shall be and are hereby appointed and made houses of correction for the reception of such persons, who being convict of any manner of reviling and prophane speaking or misbehaviour, before any one assistant or justice of the peace, by good and lawful witnesses, shall be sent to such goal as to a house of correction by mittimus of the said assistant or justice; and the keeper of the said goal is hereby impowred and commanded to receive such persons and to keep them to such labour as they are capable of, until the next county court, as the said assistant or justice shall order in such mittimus; and the county court is hereby impowred to order such offender so convict, to be chastised by whipping on his or her naked back, in such goal, and to be kept to such labour as such offender is capable of. Provided, that no such offender shall suffer for one offence above the number of fifteen stripes.

And it is further ordered, That if any person in custody of such goal or house of correction shall use any such reviling or evil language, lewd or base actions, and be convict thereof as aforesaid, or shall refuse to attend such labour as he or she shall be ordered to keep to, he or she shall be punished for such offence in like manner. And the keepers of said goals shall be allowed for their care of, and trouble with such offenders, according to the length of time they have the care of them, at the discretion of the county court, who are hereby impowred to make them a meet allowance out of the estate of such offenders, or profit of his labour aforesaid; or in case they have none, or there be no such profit, out of the publick treasury.

And it is further ordered, That if any such keeper of goal or master of such house of correction, shall be negligent or remiss to execute such order as shall be given him relating to such offender, he shall incur the penalty of ten shillings for every such neglect, to be levyed by distress, upon information and proof made before the county court.

This Assembly grant unto Mr. John Stedman, deputy sheriff, for making stages, &c. 3*s*., and 3*s*. per diem for his service in attending at this Assembly, to be paid him out of the publick treasury,—being 14 days.

[245] An Act concerning Entering up Judgment upon Default.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That in case the defendant, in any suit, being duly served with process, and return thereof made unto the court where the same is returnable, do not appear by himself or his attorney, his default shall be recorded, and judgment entered up against him thereupon; unless before the jury be dismist he shall come into court and move for a tryal, in which case he shall be admitted thereto, upon paying down to the adverse party the cost he hath been at so far; and the plaintiff shall pay for the entering the action anew.

And further it is enacted by the authority aforesaid, That when it happens the party against whom suit is brought, not to be an inhabitant or sojourner within this Colony, or to be absent out of the same at the time of commencing such suit, and shall not return before the time for tryal, the judges of the court where such suit is brought shall continue the action to the next court; and if the defendant do not then appear, by himself or attorney, and be so remote that the notice of such suit depending could not probably be conveyed to him during the vacancy, the judges at such next court may further continue the action to the court thence next following and no longer. And in such case where judgment is entred up by default, after such continuances as aforesaid, execution shall be stayed and not issue forth until the plaintiff shall have given bond, with one or more sufficient sureties, in double the value of the estate or sum recovered by such judgment, to make restitution and to refund and pay back such sum as shall be given in debt or damage, or so much as shall be recovered upon a suit therefore, to be brought within twelve months next after entering up of the first judgment, if upon such suit the judgment shall be reversed, anulled or altered; the security aforesaid to be no further answerable than for the recovery [246] that shall be made out || upon such suit, to be had within twelve months as aforesaid. Provided also, that no real estate taken in execution granted upon such first judgment, shall be alienated or past away, until after the expiration of the said twelve months, or after a new tryal brought within the space of twelve months, to the intent that restitution thereof may be made in case as aforesaid, any law, usage or custom to the contrary notwithstanding.

Resolved by this Assembly, That William Pitkin, Richard Christophers, Peter Burr, Samuel Eells, John Haynes, Esq^{rs},

be Judges of the Superiour Courts for the year ensuing; and that William Pitkin, Esq^r, be Chief Judge, and in his absence that place to be supplyed by the next in the order herein mentioned. And in case by any providence the aforenamed judges should be prevented from attending the business of the circuit, his or their place shall be supplyed by one or more of the assistants, to take place herein according to the seniority of their station in the rank of assistants.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when and so often as any person or persons shall be overcharged in the list of their estates, and the listers, upon application made to them, will not give just relief, it shall be in the power of a justice of the peace, with two of the selectmen of the town, upon application made to them, to consider the case, and give such relief as they shall judge just; and the same liberty is allowed for any that may be overcharged in the last list.

Cost allowed to Mr. Richard Christophers, Esq^r, 1*l.* 7*s.* 6*d.*; to Mr. Nehemiah Smith, Esq^r, 1*l.* 2*s.* 6*d.*; to Jonathan Prentts, Esq^r, 1*l.* 1*s.* 6*d*, for their attendance at this Assembly on the petition of John Rogers, sen^r, of New London. *Execution granted June* 1*st*, 1713, *for Mr. Christophers.*

This Assembly grant unto Mr. Samuel Webster, sheriff, for his attendance at this Assembly fourteen days, at four shillings a day, to be paid out of the publick treasury.

[247] This Assembly grant unto William Goodwin, constable, for his attendance this Assembly nine days and half, at three shillings per day, to be paid him out of the publick treasury.

The aforegoing record of this Assembly was read in the presence of both Houses, and ordered to be signed by the Secretary as perfect and compleat.

Hez. Wyllys, Secry.

[6] At a meeting of the Governour and Council at Hartford, May the 28th, 1713.

Present,

The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.
Nathan Gold, Esq^r^, Deputy Governour.

John Hamlin, John Haynes, Mathew Allyn, } Esq^rs^, *Assistants.* Joseph Talcot, Abra. Fowler, John Sherman, } Esq^rs^, *Assistants.*

Upon the petition of Abraham Bartlet, James Hill, Samuel Everts, Daniel Bartlit, and Samuel Hill, with several other persons, all of the town of Gilford within the Colony of Conecticot, being the major part of the proprietors of a certain parcel of marsh land, lying and being at a place within said Gilford, known by the name of the East Creek Meadows, being bounded as followeth, viz.: East by the upland, west by the upland, north by the highway, south by marsh land belonging to Mr. Robert Thomson, requesting this Council to grant commissioners of sewers for said meadows: Mr. James Hooker, Capt. John Seward, and Capt. Andrew Ward are appointed commissioners of sewers for said service, and a commission as is desired is hereby granted.

Ordered, that the persons following, soldiers detach'd for the expedition to Canada, being sick at New Haven, and there dismist from [7] said service, shall be allowed the ordinary wages ‖ in such case provided by an establishment made by the Governour and Council, viz.

To John Porter, the sum of - -	1*l.* 16*s.*
To Stephen Andrews, the sum of - -	2*l.* 5*s.*
To Daniell Garrad, the sum of - -	18*s.*
To the heirs of Nath. Richardson, - - -	1*l.* 16*s.*

Ordered, that William Pitkin, Esq^r^, and Coll. W^m^ Whiting be Commissioners on the behalf of this government, pursuant to an act passed at the Assembly holden at Hartford May the 14th, 1713, for appointing commissioners to settle and adjust the line between this Colony and the Province of Massachuset Bay, with such commissioners as shall be appointed thereunto by the government of that Province.

Ordered, that if any person shall bring to the treasurer a shatter'd Conecticott bill, he shall exchange the same with a good bill, or half or three quarters of a bill pro rato, and exchange an altered bill for the prime value.

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[8] At a meeting of the Governour and Council in New London, the 11th of June, 1713.

Present,

The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.

William Pittkin, Richard Christophers, } Esq^rs^, *Assistants.*

William Whiting,
Jonathan Prentts, } Esq^rs, *Justices.*
John Plumbe,

Christopher Christophers, *Freeman.*

A commission and instructions for William Pittkin and William Whiting, Esq^rs, appointed commissioners for settling the line between this Colony and the Province of the Massachusetts Bay, were read and approved.

The Assembly holden at Hartford May 14th, 1713, having passed an act, (for the reasons therein mentioned,) that twenty thousand pounds bills of credit of this Colony be printed, to draw in by exchange the bills of credit of this Colony already emitted, and other uses; and for the more effectual preventing such abuses of the said bills of credit as has been practised, by altering them from a lesser to a greater sum, the said Assembly have ordered that the said twenty thousand pounds should be taken off the plates, after such additions and emendations of them as the Governour and Council shall think fit: For the preventing of such cheating practises, it is ordered, that the plates formerly procured for the use of this Colony shall be altered, and the bills to be printed taken off each of them in the manner hereafter expressed in page 10, 11.

Ordered, that the executors of Mr. Thomas Cockerill, late of New York, be paid out of the Colony treasury the sum of seventeen pound eight shillings, for sundry goods which were bought of the said Cockerill and put into the hands of Mr. Commissary Whiting in the year 1709, the which the said commissary entered to the credit of the Colony in his account.

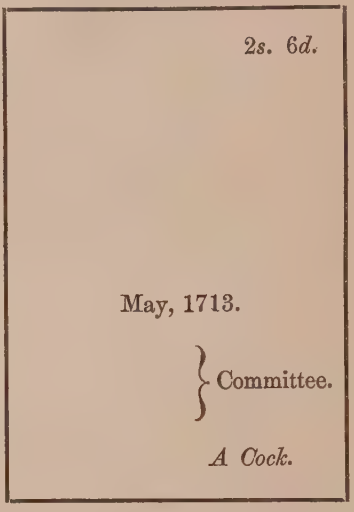
[9] Upon the petition of the major part of the proprietors of a certain parcel of meadow within the town of Glossenbury, (bounded as followeth, viz.: Upon the land of Joseph Smith, sen^r, north, land of Joseph Hill south, upon the upland and firm land east, and on the west with the dry and firm meadow land,) and praying that commissioners of sewers may be appointed: Ordered, that a commission be granted upon the said petition to William Pittkin of Hartford, and Roger Woollcott of Windsor, Esq^rs, and Mr. Jonathan Beldin of Weathersfield, they or any two of them to have the power desired.

Ordered, that William Pittkin and William Whiting, Esq^rs, commissioners for this government and now going to Boston, make up accounts with Jeremiah Dummer, Esq^r, of the twenty five pounds twelve shillings he received of the Governour to exchange for broken bills of credit of this Colony; as also that they put into Mr. Dummers hands the care of having our plates for printing bills of credit, altered, according to the order of the late General Assembly, and according to the form agreed upon by the Governour and Council, a copy of which the said commissioners carry with them; and that they desire Mr. Dummers care, as formerly, to provide for the taking off 20,000 pound, according to the act of the last Assembly.

At this time half a day.

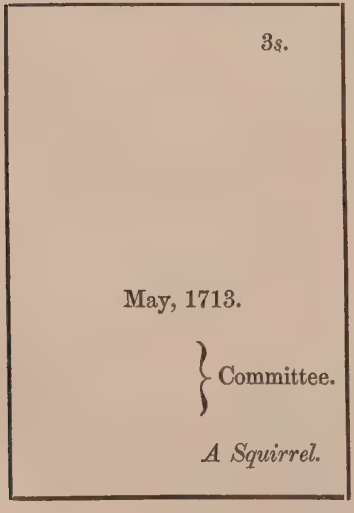
[10] Two Shillings.

Two Shillings and Six Pence.

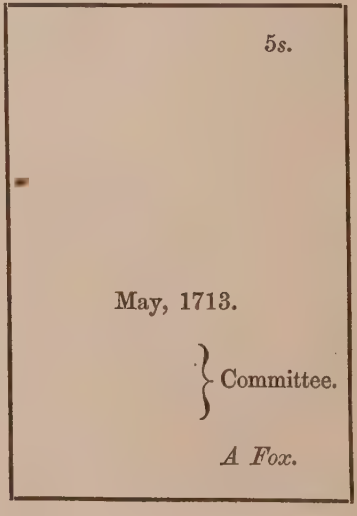


These four upon the small plate must be all wrought off and signed black, without any character in the center; so that there will be nothing to be new cut on this plate but the date over the signers, and the respective figures of a dove, cock, squirrel, fox.

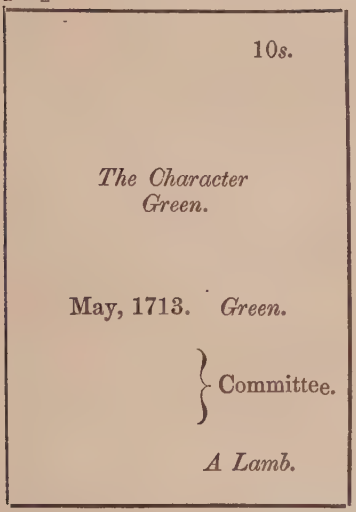
Three Shillings.



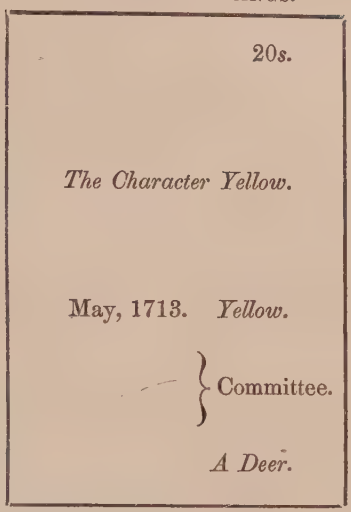
Five Shillings.



[11] TEN SHILLINGS.

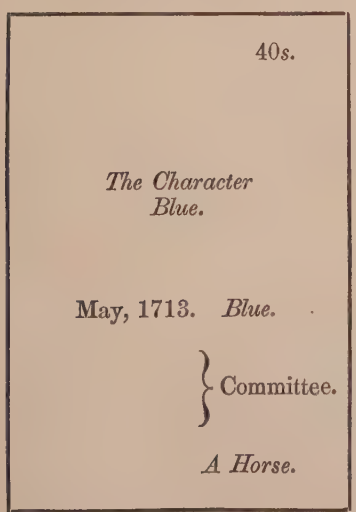


TWENTY SHILLINGS.

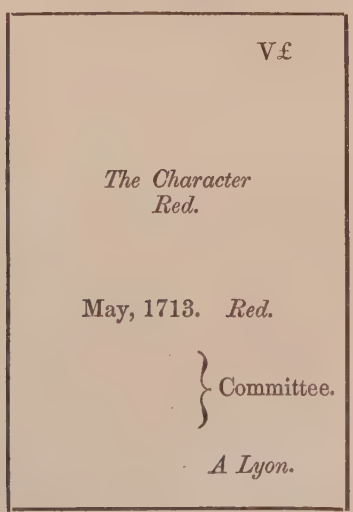


There must be new cut on this larger plate, the words on the indentment at the head of each bill, and the figure of a lamb, deer, horse, lyon, at the foot of each bill, and the date over the signers, with the additional name, of the colour of the ink in which each character in the center, *and the figures at the foot*, are to be wrought off, and the committee is to sign.

FORTY SHILLINGS.



FIVE POUNDS.



[12] At a meeting of the Governour and Council in New London, June 25th, 1713.

Present,

The Honourable Gurdon Saltonstall, Esq^{r}, Governour.
Daniel Wetherell, Esq^{r}.
Richard Christophers, Esq^{r}, *Assistant.*
John Winthrop, Esq^{r},
Christopher Christophers.

Additional instructions for William Pittkin and William Whiting, Esq^{rs}, appointed Commissioners for settling the line between this Colony and the Province of the Massachusets Bay, bearing date June 25th, 1713, were read and approved.

At a meeting of the Governour and Council in New London, July 2°, 1713.

Present,

The Hon^{ble} Gurdon Saltonstall, Esq^{r}, Governour.
Daniel Wetherell, Esq^{r},
Richard Christophers, Esq^{r}, *Assistant.*
Jonathan Prentis, Esq^{r}, *Justice.*
Christopher Christophers.

Additional instructions for William Pittkin and William Whiting, Esq^{rs}, appointed Commissioners for settling the line between this Colony and the Province of the Massachusetts Bay, bearing date July 2°, 1713, were read and approved.

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[13] At a meeting of the Governour and Council in New London, July the 21st, 1713.

Present,

The Honourable Gurdon Saltonstall, Esq^{r}, Governour.
William Pittkin, Esq^{r}, } *Assistants.*
Richard Christophers, Esq^{r}, }
William Whiting, Esq^{r}, } *Justices.*
John Plumb, Esq^{r}, }
Christopher Christophers.

William Pittkin and William Whiting, Esq^{rs}, Commissioners on the part of this government for the stating and settling the line between this Colony and the Province of the Massachusetts, produced to this board an instrument containing the agreement for the settling the said line, made and concluded by them with Elisha Hutchinson and Isaac Addington, Esq^{rs}, Commissioners appointed on the behalf of the government of the said Province for the same service, bearing date the

13th day of this present month; which was well approved. And whereas in the said agreement it is concluded, that fit persons be appointed by the respective governments, forthwith to run, adjust and determine, the lines betwixt the towns of Windsor and Suffield, and Windsor and Enfield, and between Suffield and Symsbury, as in the said instrument for the stating of the said line the said lines are determined:—the said William Pittkin and William Whiting, Esq^{rs}, are hereby appointed, on the part of this government, to joyn with such gentlemen as shall be appointed on the part of the government of the Massachusets, and with them to run, adjust and determine the said lines, between the said towns, according to the said agreements, reference being had thereunto; and to proceed therein with all convenient speed.*

[14] Whereas there was twenty five pounds twelve shillings bills of credit of this Colony left by the Governour in the hands of Jeremy Dummer, Esq^{r}, of Boston, to be exchanged by him for such broken bills of this Colony as should be brought to him; and whereas the said Mr. Dummer has made up an account under his hand with William Pittkin and William Whiting, Esq^{rs}, appointed to take the said account, and has put into their hands the sum of twenty five pounds twelve shillings of broken bills, (and counterfeit, taken in for the true and original value only;) and whereas the said Mr. Dummer, as appears by the said account, has advanced of his own bills for the drawing in broken bills of this Colony, over and above the said sum of twenty five pounds twelve shillings, the sum of nine pound thirteen shillings, which sum in broken bills of this Colony he has also put into the hands of the said William Pittkin and William Whiting, Esq^{rs}; both which sums of twenty five pounds twelve shillings and the sum of nine pound thirteen shillings, amounting to the sum of thirty five pounds five shillings, the said gentlemen produced in the said broken bills to this board, and desired their order thereupon: Ordered, that the said broken bills, amounting to the sum of thirty five pound five shillings, be lodged in the hands of John Haynes, Esq^{r}, till the General Assembly shall take further order about them.

Ordered, that the treasurer pay to Jeremiah Dummer, Esq^{r}, or his order, the sum of nine pounds thirteen shillings, which is for so much of his own bills which he has advanced to draw in broken bills of this Colony; as also the sum of one pound fourteen shillings, for his trouble in keeping account of the broken bills of this Colony, and exchanging them, amounting to the sum of thirty five pound five shillings, as appears per his account made up and dated July 14th, 1713.

[15] Whereas William Pittkin and William Whiting, Esq^{rs}, Commissioners for this Colony for the settling of the line between this government and the Massachusetts Province, which they have happily effected, had occasion while at Boston to take up of Jeremiah Dummer, Esq^{r}, of Boston, the sum of thirteen pounds, for the said service, which they now laid before this board and desired an order for the re-

* Some interesting matters respecting the line are found in a memorial presented to the Assembly, Oct., 1728, by Col. Whiting and a son of Mr. Pitkin. Towns and Lands, V. 82.

payment of it: Ordered, that the treasurer pay to Jeremy Dummer, Esq^{r}, or order, the said sum of thirteen pounds in the bills of credit of this Colony.

Ordered, that the treasurer pay to Samuel Beamon of Windsor the sum of eight pound sixteen shillings and 1*d.* which is in full of his wages in the expedition to Wood Creek in the year 1709.

Ordered, that the treasurer pay to Thomas Jillitt of Windsor the sum of seven pounds and eight pence, which is in full of his wages in the last expedition to Wood Creek.

At a meeting of the Governour and Council in N. London, August 26th, 1713.

Present,

Gurdon Saltonstall, Esq^{r}, Governour.
Daniel Wethrel, Esq^{r}.
W^{m} Pitkin, Esq^{r}.
Richard Christophers, Esq^{r}.
Jonathan Prentts, John Plumbe, John Winthrop, } *Justices.*

Upon a complaint against Jonathan Rogers, who has had the keeping of the ferry in the town of New London for some time, that he has neglected to attend that work, kept travelers waiting in a good season, and refused to carry them over, and particularly the posts, for two or [16] three hours space, and gave when blamed for ‖ such misdemeanor, abusive language, and particularly Mr. Justice Plumbe, and of which misdemeanors the Council being fully satisfied: The selectmen of the said town, to wit, Mr. James Rogers, jun., Lieut. Robert Latemore, Lieut. John Richards, Serj. Steven Prentts, and Serj. Jeremiah Chapman, were called and appeared in Council; who alleged that they had a priviledge to lease the said ferry for the benefit of a free school in that town; but the majority of them declared they did not suppose that the said ferry to be leased to the said Rogers, and that they believed, for the reasons abovementioned, that the said person was not fit to keep the said ferry; and four of them declared that they verily believed that he would never keep the ferry carefully as a ferryman ought to do. And they also declared that he had not been put into the ferry by any instrument or lease signed by any three of them, whereof there are five.

The Council thereupon resolved, that the said Jonathan Rogers shall no longer remain keeper of the said ferry, and that if the said selectmen do not forthwith remove the said person, and provide some other person who shall carefully attend the said ferry, and passengers that desire to go over, and particularly her Majesties post, that some suitable person be provided and placed in said ferry, by such directions and orders as the Governour, with any two of this board, shall give, until the government shall order otherwise.

[248] *CONNECTICUT* }
COLONY. }

At a General Assembly holden at New Haven, in her Majesties Colony of Connecticut, in New England, on Thursday, the 8th day of October, in the twelfth year of the reign of our Sovereign Lady Anne, Queen of Great Britain, &c., Annoque Domini 1713, and continued by several adjournments to the [21st*] day of the same month.

Present at this Assembly,

The Honourable Gurdon Saltonstall, Esq^r^, Governour.
The Honourable Nathan Gold, Esq^r^, Deputy Governour.

John Hamlin, Esq^r^,
William Pitkin, Esq^r^,
Joseph Curtice, Esq^r^,
John Alling, Esq^r^,
Sam^ll^ Eells, Esq^r^,
Mathew Allyn, Esq^r^,
Abram Fowler, Esq^r^,
John Sherman, Esq^r^,
Peter Burr, Esq^r^.

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz:

Coll. William Whiting, Capt. Aaron Cook, for Hartford.
Mr. Nathaniel Yale, Mr. Sam^ll^ Cook, for New Haven.
Major John Burr, Capt. Joseph Wakeman, for Fairfield.
Mr. James Rogers, Lieut. John Richards, for New London.
Mr. John Hooker, Mr. John Stanly, for Farmington.
Mr. John Richards, Ensign William Billings, for Preston.
Capt. Sam^ll^ Wells, Mr. Samuel Smith, for Glassenbury.
Serjt. Zacariah Baldwin, Serjt. Miles Murwin, for Milford.
Capt. Nathan^ll^ Harrison, Mr. Edward Barker, for Branford.
Mr. James Hooker, Capt. Andrew Ward, for Guilford.
Mr. Robert Lane, Mr. Peter Ward, for Kellingsworth.
Capt. John Merriman, Lieut. Joseph Doolitle, for Wallingsford.
Mr. Joshua Ripley, Capt. John Fitch, for Windham.
Capt. Richard Bushnell, Lieut. Joseph Beckus, for Norwich.
Mr. Joseph Parkhurst, Mr. John Crary, for Plainfield.
Capt. James Bebee, Mr. Franciss Barnham, for Danbury.
Mr. James Wells, for Haddam.
Capt. William Clark, Lieut. Sam^ll^ Hide, for Lebanon.
Capt. Robert Wells, Mr. Benj^a^ Churchill, for Weathersfield.

* The secretary left this blank, and in a memorandum at the end of the record of this session gave the date as the 22d: but the Journals of both Houses and printed acts show that the 21st is the true date.

Mr. Joseph Rockwell, Mr. William Ward, for Midleton.
[249] Mr. James Wadsworth, for Durham.
Lieut. William Gallop, Mr. Joseph Minor, for Stonington.
Mr. Roger Wolcott, Capt. Tim° Thrall, for Windsor.
Mr. Nathan[ll] Chapman, Mr. Dan[ll] Buckingham, for Seybrook.
Mr. John Hopkins, Mr. Joseph Lewis, for Waterbury.
Capt. James Judson, Mr. Joseph Beech, for Stratford.
Mr. Titus Henman, Mr. Joseph Minor, for Woodbury.
Capt. Joseph Platt, Mr. Mathew Seymor, for Norwalk.
Mr. John Riggs, for Derby.
Mr. James Morgan, Mr. Jonath: Starr, for Groton.
Mr. Abram Brunson, Mr. Thomas Lee, for Lyme.
Mr. Eben[z] Mead, Mr. Thomas Marshall, for Greenwich.
Mr. Michael Tainter, Mr. Joseph Wright, for Colchester.
Mr. Joseph Phelps, Mr. Joseph Case, for Symsbury.
Mr. Jonathan Bell, for Stampford.

Mr. John Hooker, Speaker, } of the House of Rep-
Mr. Samuel Cook, Clerk, } resentatives.*

Resolved by this Assembly, That the several Assistants and Deputies attending this Assembly, and that shall hereafter attend on the General Assembly from time to time, be each allowed out of the publick treasury of this Colony one shilling per diem in addition to their former salaries.

This Assembly do establish and confirm Mr. Samuel Thomson of New Haven, to be Captain of the first company or trainband in the town of New Haven aforesaid.

This Assembly do establish and confirm Mr. William Johnson of New Haven, to be Lieutenant of the first company or trainband in the said town of New Haven.

This Assembly do establish and confirm Mr. Isaac Dickerman of New Haven, to be Ensign of the first company or trainband in the town of New Haven aforesaid.

[250] This Assembly do establish and confirm Mr. William Gallop of Stonington, to be the Lieutenant of the first company or trainband in the town of Stonington aforesaid.

This Assembly having heard and considered the petition of Mr. Joseph Coite of Plainfield, requesting this Assembly to appoint a committee, or the county surveyor of New London to lay out three hundred acres of land, being the remaining part of five hundred acres country land, pertaining to Mr. Isaac Wheelar by way of exchange for land which a certain sachem and his Indians had of the said Wheelar by order and allowance of the General Assembly, do appoint the surveyor of New

* Joseph Whiting was Clerk of the Upper House at this session.

London county to lay out to the said Mr. Coite, petitioner, the grantee of the said Wheelars right, the aforesaid quantity of three hundred acres of land in one intire piece in the country land, at the choice of the said Mr. Coite, and at his charge.

In answer to the petition of New Town: Resolved, that it be referred until the Assembly in May next, and the Assembly will then consider thereof; provided the said town will notify the farmers, mentioned in said petition, that they appear at said Assembly, and also that there be an account brought to said Assembly of what number of petition rights are in said town, and what quantity of land is laid out to each petitioner, and likewise the quantity of farm land in said town, with a list of the rateable estate within said town, for the further direction of said Assembly.

An Act for Confirmation of certain Lands to Jonath[a] Belcher and his Heirs.

Whereas John Blackwell of London, in the county of Midlesex, within the Kingdom of Great Britain, merchant, son and heir of John Blackwell, late of London, Esq[r], sometime of Boston, in New England, deceased, by deed indented bearing date the third day of April last, in this present year one thousand seven hundred and thirteen, for valuable consideration received, hath granted, bargained, and sold to Jonathan Belcher of Boston, in the county of Suffolk, in New England aforesaid, merchant, his heirs and assignes forever, his, the said John Blackwells, certain tract or parcel of land of the contents of five thousand seven hundred and fifty acres more [251] or less, commonly called and known by the name of || the Wewichawannah Hills, and other lands adjoyning lying situate in the county of New London, within her Majesties Colony of Connecticut, in New England aforesaid,—bounded on the north or northerly with a running stream of water commonly called or known by the name of Tomonquas River, beginning on the east at that part of Quinebaug River where the said Tomonquas River enters or falls into the said Quinebaug River, on the west or westerly with a brook that runs in or by the bottom of the Newichawannah Hills and falls into the said Tomonquas River, including at the northwest angle thereof a small piece or parcel of meadow of about one acre, be the same more or less, staked out at the surveying thereof, and as far southerly thence as the ford through which the Indian pathway passes that leads towards Norwich, and from the said ford by the said pathway as far as to the ford of Cowissick River through which the said pathway passes that leads to Norwich, and from the said ford of Cowissick River

meering with the said Cowissick River, to a great oak tree markt, standing by the side of the said river at the distance of about ninety perches from the said last mentioned ford, and on the south from the said mentioned oak, by a line to be drawn due east to Quinebaug River, with the variation of eight degrees and an half from the needle of the surveying instrument, and thence meering on the east or easterly by and with the said Quinebaug River, according to the winding or course thereof to make a perclose at the lower end of Tomonquas River aforementioned, where the same falls into the said river of Quinebaug, containing in the whole by estimation five thousand seven hundred and fifty acres, be the same more or less, situate, lying and being in the Wabbaquassuck country; which aforesaid tract of land is a parcel of a larger tract purchased by the said John Blackwell the father, and others, of Capt. James Fitch of Norwich, and called Mashamugket or New Plantation; and the aforementioned five thousand seven hundred and fifty acres in the southeast angle of the said larger tract, by agreement among the purchasers, at the election of the said John Blackwell the father allowed to be his part of the said purchase, and to be accounted a separate tract, [252] by and of itself, and by the said John Blackwell ‖ accordingly surveyed by an instrument and protracted according to the lines in the plat thereof laid down, and possession and seizin thereof given him in form of law, by the aforementioned James Fitch, together with the rights, members, hereditaments, priviledges and appurtenances to the said lands and every of them belonging: And whereas the said Jonathan Belcher hath laid the several deeds, instruments and writings, relating to the aforementioned lands and the purchases thereof, before this Court, with his humble petition for further confirmation of the said lands to him, his heirs and assigns forever.

We, the aforesaid Governour and Company of her Majesties said Colony of Connecticut, in General Court assembled, pursuant to and by virtue of the power and authority to us granted in and by the royal charter and letters patent under the great seal of England, from our late Sovereign Lord King Charles the Second, do hereby approve, ratify and confirm the sale and title of all and singular the lands and hereditaments herein before mentioned, with the rights, members and appurtenances thereof, to the said Jonathan Belcher, his heirs and assigns forever; to be holden of him the said Jonathan Belcher, his heirs and assigns, of her Majestie, as of her Majesties manor of East Greenwich in the county of Kent, within the Kingdom of Great Britain, in free and common soccage and

not in capite or by knight service, yielding and paying there fore unto our Sovereign Lady the Queen, her heirs and successors, only a fifth part of all the oar of gold and silver which from time to time and at all times hereafter shall be there gotten, had or obtained, in lieu of all services, duties and demands whatsoever, and without any other or further grant, disposition or assignment, at any time or times hereafter, by us to be made or granted of the said land or any part or parcel thereof, by any other person or persons:—And do accordingly enact and ordain, that this present instrument or writing do pass the publick seal of the government, and be made of record as an act of this present General Assembly, to abide and continue in full force and virtue forever; and that upon request of the said Belcher, there be a patent signed to him, with the seal of the Colony affixed thereto, for the said five thousand [253] || seven hundred and fifty acres of land, according to a former act of this Colony for granting of patents, and that the several deeds, instruments and writings, relating to the said land, be inrolled in the publick records of this Colony, the said Belcher defraying the charge thereof.

Provided always and nevertheless, That this act doth not prejudice or infringe any prior or former grant made by the government of the said land, or any part or parcel thereof.

The inhabitants of the east side the river in Windsor petitioning this Assembly to consider and determine where they shall set the new meeting house among them: It is ordered, that the new meeting house agreed to be set up by the parishioners on the east side of the river in Windsor, be set up on or near the place where the present old meeting house stands.

Upon further application of Mr. Joseph Coit, respecting the three hundred acres by this Assembly before granted in one intire piece, this Assembly grant him liberty to take it in three parcels if he see cause, provided it be in the broken land of the country on the eastward of Plainfield, between Plainfield and the volunteers land.

It appearing that the volunteers land joyns with Plainfield, this Assembly grant Mr. Coite his said three hundred acres of land on the eastward of Plainfield, without that restriction between Plainfield and the volunteers land.

Upon application made by Lt. John Stanly of Farmington, representing that Thomas Richardson of Waterbury having signed and sealed a deed bearing date November the 11th, 1712, conveying to him, the said Stanly, a certain tract or parcel of land lying in Farmington, and that the said deed being lawfully witnessed, the said Richardson dyed before he had com-

pleated the deed by acknowledging of it according to law, pray'd an act of this Assembly to supply that defect, and one of the witnesses subscribing in said deed, viz. Mr. John Southmaid being produced in court, made oath in the Upper House, that he saw the said Richardson sign, seal and deliver the said deed to the said Stanly, and that he signed as a witness and [254] || that he saw the other witness sign unto the said deed at the same time, which was ordered to be indorsed upon the said deed and signed by the Secretary:

Be it thereupon enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said deed be taken as good and effectual to all intents and purposes in the law, as it might or could have been if the said deed had been acknowledged by the grantor as the law directs; and that this act indorsed upon the said deed shall be signed by the Secretary and received as a good sufficient testimonial of the authentication of the said deed.

Upon consideration of the complaint of the Pequod Indians, that they are molested in their priviledges of improving of a neck of land called Nawayonk in the township of Groton: Ordered, that a committee be appointed by this Assembly who shall survey the land which the said Pequot Indians do now live upon and improve in the said town of Groton, as also the aforesaid neck of land, and make report to the Assembly in May next, of both the quantity and quality of the said parcels, with the number of the said Indians, that the Court may take effectual care that they be provided in the best manner with a sufficient quantity of land for their subsistence. And it is further ordered, that in the mean time no person shall obstruct or hinder the said Pequod Indians from making any improvement by planting, fishing and fowling, as they were wont to do heretofore on the said neck; provided the survey be not chargeable to the publick treasury of the Colony. Mr. John Plumb, Capt. Richard Bushnell and Capt. William Clark, are appointed a committee for the use aforesaid.

A liberty by this Assembly is granted unto Elizabeth Potter, administratrix of the estate of John Potter, late of East Haven, in the county of New Haven, deceased, to make sale of so much of the lands of the said deceased as shall be necessary for the payment of the debts due from the said estate, which shall surmount the moveable estate as is necessary for [255] || the support of the widow, and excepted in the law, title Executions, is excepted according to the regulation of the court of probates in the said county.

This Assembly grant unto the Honourable the Governour, two hundred pounds for his good service this currant year began in May last.

This Assembly grant unto the Honourable the Deputy Governour fifty pounds for his good service this currant year began in May last.

This Assembly do authorize and impower Samuel Clark, Ephraim Burwell and Samuel Beard, a committee appointed by the proprietors of the town of New Milford to manage the affair of building a dwelling house for the minister in the said town, to levy so much money on the proprietors of the said town of New Milford as may be wanting and cannot come out of the twelve shilling tax granted by this Assembly, to be collected as that was ordered, for the building the aforementioned house.

Capt. Daniel Wetherell of New London is appointed a Justice of the Quorum for the county of New London.

This Assembly appoint Capt. Joshua Robins of Weathersfield a Justice of the Peace for the county of Hartford.

Whereas William Pitkin and William Whiting, Esq^{rs}, commissioners in behalf of this her Majesties Colony of Connecticut, appointed and impowred to settle the line of division between this Colony and the Massachusetts Province, with such commissioners of the said Province as should be appointed and impowred to the same, have shewed to this Assembly that pursuant to the said powers and the instructions to them given, they have attended the said work, and together with Elisha Hutchenson and Isaac Addington, Esq^{rs}, commissioners impowred for that end by the government of the said Province, and have considered, concluded and executed an instrument [256] bearing date July 13th, 1713, containing || certain articles of agreement for the fixing and determining the said line and controversies thereunto relating, signed with the hands and sealed with the seals of all the aforesaid commissioners, which instrument being presented to this Assembly was read and approved, ratifyed and confirmed:

And whereas the Governour has also signifyed that there are certain persons impowred on the behalf of the said Province, together with such as shall be impowred on the behalf of this Colony to run and set out and determine the said line, according to the said agreement, and to execute the same so far as concerns the setting up and fixing the said bounds in the place and places appointed and concluded upon in the said agreement,

It is hereby agreed and concluded, That the Governour grant a commission with full power to the said William Pitkin and William Whiting, Esq^{rs}, to meet any persons appointed and fully impowred as aforesaid by the government of the said Province, to run and mark out the said line as aforesaid, and finally to fix the same, according to the said agreement, and together with them to perform and accomplish the said work, and to mark out the said line according to the said agreement, that it may be and remain the true bounds between this Colony and the Province aforesaid.

Upon the petition of John Edgecomb, sen^{r}, of New London, praying relief in the great charge he has been at in maintaining an idiot daughter of Joshua Hempstead, of said New London, deceased, for several years, while his wife was administratrix of said estate, and before the last will of the said Hempstead was produced and proved, as well as since: This Court, considering that there have been several orders and acts passed by this Assembly relating to the said administration and to the said will, whereby in favour of equity some variation has been made in the course of the common pleas and actions therein managed, and it now appearing to this Assembly that in the process of the law the said Edgcomb is in danger of [257] suffering wrong || without any remedy, but in a court wherein the equity of the case may govern, without a strict keeping to the rules of the common law,—do hereby order, that the whole proceedings in the said administration and will, with the several acts, orders, judgments and executions that have been made or granted thereon, by this Assembly or any other court, be by the care of the said Edgcomb, or by any other of the parties concerned in them, fully stated and laid before this Assembly in May next, that the said Assembly, having a full view of the said proceeding, may do therein to the said petitioner, or any other concerned in the premises, as in justice and equity they find meet and necessary.

It is ordered by this Assembly, for the promoting of the new plantation called New Town, That for the defraying the charge of building a meeting house there and the maintenance of a minister, each owner of a petition right shall for the next four years annually pay thirty shillings money, and all the rest of the said charge shall be raised upon the heads and stocks and other estate of the said town, except so much as this Court shall next May order to be paid annually during the four years aforesaid by the farmers.

Whereas it appears to this Assembly that Mr. Hugh Gray of Milford, deceased, was indebted at his decease the sum of

fourteen pounds, and the whole of his estate is in land to the value of ten pounds, therefore this Assembly grant power to Major Sam[ll] Eells, administrator on the estate of the said Hugh Gray, to sell the land belonging to the said Gray, towards the payment of his debts.

Upon consideration of the petition of Daniel Hays of Symsbury, having been taken by the Indian enemy and carried captive to Canada,—praying for some relief: This Assembly do grant unto the petitioner the sum of seven pounds, to be paid him out of the publick treasury of this Colony.

[258] This Assembly do establish and confirm Mr. Josiah Starr of Danbury to be Captain of the company or trainband in the town of Danbury aforesaid.

This Assembly do establish and confirm Mr. Daniel Benedick to be Lieutenant of the company or trainband in the town of Danbury aforesaid.

This Assembly do establish and confirm Mr. Samuel Knap to be Ensign of the company or trainband in the said town of Danbury.

It is ordered and enacted by this Assembly, That Jonathan Law, Esq[r], of Milford, and Capt. Joseph Wakeman of Fairfield, shall be commissioned by the Honourable the Governour, with full power on the part and behalf of this government to joyn with such commissioners on the part and behalf of the Province of New York as shall be thereunto authorized in like manner, to run the dividing line between the said Province and this Colony of Connecticut, according to the establishment thereof made by his late Majestie King William the third of happy memory, in Council, the 28th day of March anno Dom. 1700, in the twelfth year of his said Majesties reign; and monuments and bound marks upon the said dividing line to erect and make, such and so frequent as the commissioners on both parties shall think fit, necessary for the perpetual limitation and bounding of the said Province and this Colony, in their common dividing line; as also in the behalf of this Colony with the commissioners of the said Province interchangably to seal an agreement to the line so to be run and marked out as above expressed; also taking with them a surveyor and such other help as the Honourable the Governour shall think fit..

Upon the petition of Hannah Smith, widow and relict of Jo-
[259] seph Smith, late of New Haven, deceased, praying || this Assembly to grant liberty for her making sale of the one half of the house and homestead in the said New Haven, of which the said Joseph dyed possessed of: This Assembly grant lib-

erty to the said Hannah Smith to make sale of the one half of the house and homestead aforesaid, provided she the said Hannah Smith do set out to the heirs of the said deceased, and give firm deeds of such lands of her own property as shall be a meet compensation for the present value of the said half according to the judgment of the court of probates in the county of New Haven.

Upon consideration of the petition of Sarah Osborn, widow and relict of Mr. Jeremiah Osborn, late of New Haven, deceased, praying for some allowance out of her deceased husbands estate: This Assembly do grant that the petitioner be allowed one bed and bedding, and so much of the other utensils in the estate of the deceased as the law exempts from execution for debt, that are necessary for housekeeping and upholding of life, to be set out to her as the court of probates for the county of New Haven shall order and direct, and only for use during life.

Whereas the times appointed by law for holding the superior court in the county of Hartford, and for the freemen in said county to meet to give in their votes for the nomination of publick officers, fall out to be on the same day, viz. on the third Tuesday in September, which is found by experience to be inconvenient: For remedy thereof,

It is ordered by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the day for the meeting of the freemen in said county to give in their votes as aforesaid shall be the second Tuesday of September annually, any law, usage or custom to the contrary notwithstanding.

In addition to the law, title Highways.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whatsoever person or persons shall block up or cause to be laid in any highway any stones, tree or trees, timber, or by [260] digging, or any || other means, obstruct or indanger the passage of travellers in such ways, and be thereof convict before any one assistant or justice of the peace, shall pay the charge of repairing or clearing the same, and incur the penalty of twenty shillings, one half to the county treasury in the county to which the party so offending doth belong, and the other half to the informer who shall prosecute for the same, to be levyed with the charges of such prosecution, by warrant from the said assistant or justice of the peace; provided it be not construed to the prejudice of such as have obtained liberty from the county court to set up gates or bars in highways.

This Assembly desire the Honourable the Governour and Council take care that the equivalent lands lying in the Province of the Massachusetts Bay, belonging to this government, by agreement for settling the line between the two governments, be obtained and secured with all speed that may be.

The gentlemen nominated by the votes of the freemen brought in to this Assembly, to stand for election in May next, are as followeth, viz: The Honourable Gurdon Saltonstall, Esq^{r}, the Honourable Nathan Gold, Esq^{r}, John Hamlin, Esq^{r}, William Pitkin, Esq^{r}, Joseph Curtice, Esq^{r}, Richard Christophers, Esq^{r}, Peter Burr, Esq^{r}, John Alling, Esq^{r}, John Haynes, Esq^{r}, Samuel Eells, Esq^{r}, Mathew Allyn, Esq^{r}, Joseph Talcott, Esq^{r}, Abraham Fowler, Esq^{r}, Mr. John Sherman, Mr. Roger Wolcott, Mr. John Hooker, Mr. Jonathan Law, Mr. John Eliott, Mr. Warham Mather, and Mr. Richard Bushnell.

An Act for the regulation of Fence for Common Fields or other Inclosures.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when any person or persons improve any particular in- [261] closure and have fenced the same in several, || and any person or persons shall afterwards improve the land adjoyning by particular inclosure, if the persons so adjoyning in such improvements do not agree in dividing or apprizing the divident fence, it shall be in the power of the person or persons agrieved, to call the selectmen of the town, or the major part of them, who shall divide and set out to each and every person or persons his or their part of the said dividend fence, in equal proportion, and shall set a price upon the fence so set out to the person or persons last improving in several as aforesaid, to be paid to the person or persons that erected the said fence; an account whereof, under the hands of the said selectmen, shall be a sufficient evidence for the person or persons who erected the fence, to recover the price or valuation thereon put by the said selectmen of the person or persons that last improved as aforesaid. And if any person or persons, who ought to maintain any dividend fence, shall neglect or refuse to keep in sufficient repair all such fence or fences, according to law or according to the agreement of every person concerned therein by writing under their hands, it shall be in the power of the person or persons agrieved, at his and their cost, to call the fence viewers in the town to view the same, and if the fence viewers find the same insufficient as aforesaid, they are forthwith to warn the person or persons whose fence is insufficient of the insufficiency of his or their fence; and if the owner or

owners of the said fence shall not, within five days after the said warning given, repair the said fence, the fence viewers or person or persons agrieved as aforesaid shall repair the same, and recover of the owner or owners of the said insufficient fence, double the cost of repairing the said fence, together with the cost of viewing the same, to be recovered according to the law, title Common Fields. Always provided, that in case the person or persons aggrieved repair the said insufficient fence, the value of such reparation be apprized by the fence viewers.

[262] An Act in addition to the law, title Intestate Estate, and more particularly with reference to that part or paragraph in said law that directs how such estates shall be distributed.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by authority of the same, That the male heirs of intestate estates shall have their parts in the real estate, so far as the estate will allow.

It is further enacted, That all persons employed to value the estate of any deceased person in making an inventory thereof, shall take the following oath, viz.:

You A. B. do swear, that all partiality, prejudice and sinister respects laid aside, you will apprize all such estate both real and personal of the deceased C. D. as shall be offered unto you, according to the present true and just value thereof in money, by your best judgment and conscience. So help you God.

Whereas by an act passed by the General Assembly of this Colony holden at New Haven October 13th, 1709, intituled An Act for making and emitting bills of publick credit, the sum of eleven thousand pounds in the said bills was emitted, which have been since paid out of the treasury for satisfying the debts of this Colony: And whereas the said Assembly for the repayment and drawing in the said bills to the treasury again, by their act did grant a tax or rate of twelve thousand pounds as money, to be levyed on polls and all the rateable estate within this Colony within the space of six years next ensuing the date of the said act, and so much thereof in each of the said six years as this Assembly should after order and appoint.

It is now ordered and enacted by this Assembly, That for and towards the drawing in the said bills to the treasury of this Colony, shall be levyed and collected, as part of the said tax or rate granted as aforesaid, the sum of two pence on the pound, on the polls and all the rateable estate within this Colony, according to the lists of estate for this present year, and to be paid before the first day of July next in the bills of credit

[263] of this Colony or in money as it shall generally || pass in New England at the time of payment, as is provided in an act passed by the General Assembly of this Colony holden at New Haven August 4th, 1710, intituled An Act in addition to and for repealing one clause or paragraph in the act made and passed by the General Assembly of this Colony begun and held at Hartford May the 11th, [1710,] intituled An Act for the better regulating and giving a more effectual currency to the bills of credit.

This Assembly appoint Mr. Thomas Kimberly of Glassenbury to be Surveyor of Lands for the county of Hartford.

Forasmuch as many times strangers of other Colonies and places, at times repairing into this Colony and trading, make to themselves estates by this means, and pay nothing to the defraying of the publick charges of this Colony, as the inhabitants here do, to the great impoverishing of the Colony and the enriching of strangers.

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, That every person, not being a settled inhabitant of this Colony, that shall bring any goods into any town or harbour in this Colony, for sale, shall before the sale of any such goods, shall repair to the next justice of the peace or assistant, and give him a true and perfect invoice of such goods under oath, and pay unto him a duty of five per cent. for such goods as he shall bring as aforesaid into any town or harbour, and shall further repair unto the next naval officer and excise master within the county where the said town or harbour lyeth, and pay such custom and excise for all such liquors they shall bring for sales by wholesale or retail, as if they had actually landed them and sold them by wholesale. Provided nevertheless, and it is hereby provided and enacted, that if any person who has entred his goods and paid the duty and excise by this law required, shall not be able to make sale of the said goods and shall repair to the respect- [264] ive officers to whom the said duty || and excise has been paid as aforesaid, and give bond to the said officers respectively, for the use and benefit of the publick treasury of this Colony, (who are hereby impowred to take the same,) that he will export the said goods so remaining unsold out of this Colony, he shall be repaid by the said officers respectively so much and no more as the said duties and excise as he has paid for the said goods to be so exported as aforesaid, upon the forfeiture of all such goods brought to be sold as aforesaid or the value thereof, whereof the one half shall be to the complainer

that shall prosecute his complaint to effect, and the other half to the Colony treasury; and every such justice of the peace*

This Assembly grants the sum of five pounds to be paid to Hez. Wyllys, the Secretary, in bills of credit of this Colony, for his service this currant year began in May last.

Upon the petition of Sarah Hubbert, administratrix of the estate of John Hubbert, late of Wallingsford, deceased, praying this Assembly for liberty to make sale of some of the lands of the said deceased, the better to enable her, the said administratrix, to pay the debts due from the said estate: This Assembly do permit the said Sarah Hubbert to make sale of the lands of the deceased for the end aforesaid, provided the sale be not made within six months, and that the heir, if any there be, have notice (if he please) pay the debts and keep the lands, and also that the sale be made by the direction of the court of probates for the county of New Haven.

[265] This Assembly do appoint the Worshipfull Peter Burr, Esq^{r}, to be commissionated by the Honourable the Governour, in addition to Mr. Jonathan Law and Capt. Joseph Wakeman, for settling the divident line between the Province of New York and this Colony, and that those three gentlemen or any two of them agreeing shall have power to act therein, in conjunction with such as shall be appointed for that service in behalf of the said Province.

This Assembly grant Mr. John Hooker, the Speaker, for his service and good conduct this sessions, the sum of thirty shillings, to be paid him out of the publick treasury of this Colony.

This Assembly grant Mr. Samuel Cook, the Clerk, for his service this sessions, the sum of twenty five shillings, to be paid out of the Colony treasury.

This Assembly grant to the constables, for waiting on this Assembly, three shillings per diem, to be paid out of the Colony treasury.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That if any person shall kill and destroy any grown wolf or wolves, cattamount or panther, within the bounds of any town or plantation in this Colony, he shall have forty shillings, to be paid out of the Colony treasury, and half so much for every wolves whelp.

* This is all of this act which was recorded. The Journals of the two Houses shew that it passed in the Upper House and was negatived in the Lower.

An Act for emitting Bills of Credit.

It is enacted by the Governour, &c., That there be forthwith imprinted a certain number of bills of credit on this Colony, in suitable sums from two shillings to five pounds, which in the whole shall not amount to more than the sum of one thousand pounds; which bills shall be indented and stamped with such stamps as the Governour and Council shall order, and be [266] signed by || the committee appointed, or that shall be appointed for the signing of the bills of credit of this Colony, they or any three of them; and that the said bills so to be imprinted by this act, shall by the said committee be put into the treasurers hands taking his receipt for the same.

And be it enacted by the authority aforesaid, That the said treasurer be and is hereby ordered and impowred to issue forth and emit the said bills towards the payment of the publick debts of the Colony, and the further necessary charge thereof, according to such orders as shall be given him from time to time according to law. And the said bills shall pass out of the treasury at the value expressed in the same, equivalent to money, and shall be taken and accepted in all publick payments, at the advance of twelve pence on the pound more.

And be it further enacted, That as a fund and security for the repayment and drawing in the said bills into the treasury again, this Assembly grants a tax or rate of one thousand and fifty pounds, to be levyed on polls and all the rateable estate within this Colony, and to be paid into the treasury at or before the last day of May, 1721; which said rate shall be paid in bills of credit of this Colony, or in money as it passeth generally in the country in the time of payment, and in no other manner.

Whereas by an act dated at Hartford, May 14th, 1713, it was ordered by this Assembly that twenty thousand pounds in bills of credit of this Colony should be forthwith imprinted, for the exchange of such bills of credit of this Colony as have not yet been called in and are still outstanding.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the committee appointed or that shall be appointed to sign the said bills shall deliver into the hands of the treasurer out of the same, the sum of one thousand pounds, pursuant to an act of this Assembly now made, for the imprinting and emitting of the like sum.

[267] Coll. William Whiting is appointed by this Assembly for one of the committee to sign the bills of credit on this Colony.

Upon consideration of the petition of Thomas Marshall, agent for the town of Greenwich,

Resolved by this Assembly, That whereas the dividing line between the two parishes allowed in the said town of Greenwich was established by the General Assembly in May, 1713, the inhabitants of either parish shall have no power to act or do any thing by vote, or otherwise, for the particular use and benefit of either of the said parishes, save only in a distinct meeting of either of the said parishes or societies, as is usual in other places.

An Act in addition to an act made and passed by this Assembly anno Dom. 1713, intituled An Act for the Encouragement of Learning.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, [*and*] *by the authority of the same*, That the several and respective towns and parishes within this Colony shall have their school money in money or in bills of credit, in such proportion as is provided in said act for the county towns, according to their several and respective lists.*

The committee of both Houses appointed to consider what may be proper to be done in respect of our ports, reporting that they are of opinion that that matter be referred to the Governour and Council: This Assembly concur therein, and desire the Honourable the Governour and Council to use such methods in that affair as in their wisdom they shall judge expedient for the good of the Colony.

This Assembly desire and impower the Governour, and in his absence the Deputy Governour, with the Council hereafter assigned, to manage the publick affairs of the government according to charter in the intervals of the General Courts; and do assign as Council to the Governour, or in his absence [268] ‖ the Deputy Governour, for the management thereof, any two of the assistants and three judicious freemen, and that Daniel Wetherell, Esq^{r}, be in the room of one of the said two assistants; provided that the Governour and Council are not hereby authorized to raise money, or send forth men out of the government.

The sum total of the List of Estates of the several towns within this Colony, exhibited in this Assembly by their Deputies respectively, are as followeth, viz:

* This law, as printed in the edition of 1715, p. 192, differs in phraseology from the record, thus,—"Shall have the forty shillings on every thousand pounds of their listed estate, by law allowed for the support of schools, paid in money or" &c.

	l.	s.	d.		l.	s.	d.
Hartford,	18439	02	09	Glassenbury,	3457	16	00
New Haven,	20382	14	00	Colchester,	4792	00	00
Lebenon,	7152	05	06	Danbury,	3440	19	00
Stonington,	8186	12	06	Waterbury,	2154	06	00
Midletown,	10568	03	00	Milford,	13146	10	07
West Haddam,	2971	06	00	Derby,	3241	19	04
Plainfield,	2928	00	00	Guilford,	12173	08	01½
East Haddam,	4080	10	00	Woodbury,	4766	19	00
Durham,	2372	16	00	Stanford,	8813	01	03
Killingsworth,	4102	01	08	Norwalk,	7946	01	04
Groton,	6700	00	00	Fairfield,	15797	03	09
Windham,	5003	01	09	Weathersfield,	14920	13	03
Preston,	6073	12	00	Lyme,	7921	00	00
Wallingsford,	8824	00	00	New London,	11070	06	00
Norwich,	10703	18	00	Seybrook,	8084	05	06
Greenwich,	5453	00	00	Stratford,	14119	00	06
Windsor,	16031	12	08	Branford,	7226	08	00
Symsbury,	4499	17	06	Farmington,	9908	14	00
Addition to Hartford,	1359	00	00	Canterbury,	2378	15	00
				Addition to Windsor,	310	00	00

This Assembly grants to the Hon^ble^ Gurdon Saltonstall, Esq^r^, two thousand acres of land, to be taken up in the equivalent lands at such a place as this Assembly hereafter shall assign, when the said equivalent lands shall be laid out, that he may be able to accomplish and fulfill his promises in behalf [269] of this government || made to such gentlemen as thereupon [have] been moved to be considerably serviceable to this government, in procuring the good settlement of the dividing line between the Province of the Massachusetts Bay and this Colony.

Upon the petition of Mary Dorman, widow and relict of Joseph Dorman, late of New Haven, deceased, for power to make and execute a deed of conveyance of a certain parcel of land sold by her said deceased husband unto Abigail Hill, of said New Haven, before his decease, and the money received for the same: This Assembly do grant full power to the said Mary Dorman to make and execute a deed of conveyance of the said parcel of land, being the half division land, so called, lying within the precincts of New Haven, and in that teer next the Mill River, bounded eastward on the Mill River, southward on the sequestred land, westward on the highway, and northward on the land of Abigail Hill, unto the said Abigail Hill.

This Assembly considering the long controversie between the towns of Weathersfield and Farmington, concerning the bounds between the said towns, and being desirous to remove the same, do hereby grant liberty to the said towns, provided they mutually agree thereto, to lay the said controversie once more before this Assembly, to be by them finally concluded and determined; and if the said towns do agree as above, they are hereby directed to state the said controversie to the General Assembly to be holden in May next, in order to such decision of the said controversie.

This Assembly appoint Capt. Joseph Platt Justice of the Peace for the county of Fairfield, and Mr. Christopher Huntington of Norwich Justice of Peace for the county of New London.

The aforegoing record of this Assembly was read in the presence of both Houses, and ordered to be signed by the Secretary as perfect and compleat.

Hez. Wyllys, Secry.

Octo. 22d, 1713. This Assembly is adjourned till the Governour or Deputy Governour shall see cause to call them to meet again.*

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[17] At a meeting of the Governour and Council in New London, November 13th, 1713.

Present,

The Honourable Gurdon Saltonstall, Esq^{r}, Governour.

Daniel Wetherell, Esq^{r}.
William Pitkin,
Richard Christophers,
John Haynes,
Mathew Allin,
} Esq^{rs}, *Assistants.*
William Whiting, Esq^{r}, *Justice.*
Christopher Christophers.

The Governour having communicated to the Council a letter from our agent, Jeremiah Dummer, Esq^{r}, bearing date Aug. 1, 1713, in which we are advised of a design to obtain a new modelling the plantations, and make alterations in their civil government, signified, farther, that since the sessions of the Assembly in October last, he had otherways had a confirmation of the same intelligence, both by letters from Great Britain, and information of persons lately arrived from England,

* At this session an Address to the Queen, congratulating her upon the peace with France, (which was proclaimed at New London August 26th, 1713,) was adopted by both Houses, and ordered by the Upper House to be entered at large on their Journal. Foreign Correspondence, I, 131; Journal of the Upper House, Oct. 16, 1713.

who say they have heard that purpose confidently spoken of, by gentlemen at Court whose circumstances gave them good advantage to look into the measures that might be taking for that end; and communicated to the Council the paragraphs of several letters he had received giving such information. And forasmuch as its very manifest that such a design, if it takes, might be destructive of the priviledges we hold by our present charter, for the maintainance of which against such designs the Assembly has devoted a thousand pounds, he proposed, whether it be advisable forthwith to call an Assembly, and consult what may be best done to avoid the danger which is, in the judgment of many, so near and threatening, or what other methods it may be most proper for himself with the Council to take, in such a danger, and for the preventing of it?

[18] The Governour also further shewed, that the last Assembly at New Haven had referred the affair of our ports to the management of this board, and signified that there being no prosecution of the appeals of the collector of Rhoad Island against two masters of our coasting sloops, from a judgment obtained by the said masters in her Majesties court of admiralty, holden before the Hon^bl^ Nathaniel Byfield, Esq^r^, now almost three years since, he had been advised that that controversie was referred to the consideration of the Hon^bl^ Francis Nicholson, Esq^r^, and that the surveyour general, and others, would improve their utmost interest to get most of the ports established by this government laid aside, which the Assembly has looked upon as a hardship. And the Governour thereupon proposed, what might be proper to be done by this board for the maintenance of the said ports, according to the said act of Assembly.

The Governour also, having laid before the Council the state of the several ports, with relation to the naval office, observed to them from our agents forementioned letter, that it was expected that, pursuant to the act of 7 and 8 of King William, the said naval officers should produce their sureties to the commissioners of the customs at home, and proposed how this might be complyed with in the best manner, or what direction it might be proper to give our agent thereon, according to his desire in his letter?

And these forementioned particulars, being, as the Governour signified, things in his opinion of great consequence to this government, had occasioned his calling the present Council of Assistants, without referring them to the Council directed to, upon other less important occasions.

Peter Mason, captain of a company in the late expedition against Canada, being sent for before the Council, upon the complaint of Daniel Stanton, one of the lieutenants of said company, for that said Mason did refuse to pay him his wages for his service in the said expedition, which he had received of the Governour, as appears by a receipt under his hand, being six pounds two shillings and 2*d.*: the said Mason appearing before this board, and being asked the reason of his re-
[19] fusing to pay the said Stanton, answered that ‖ said Stanton was in his debt, and that he stop't the money in his hands to satisfie the same.

Ordered, that said Mason do return the said sum of six pounds two shillings and 2*d.* unto the Governour, or produce a receipt that he has paid it to the said Stanton, on or before the thirteenth day of December next; and on failure thereof, that execution go forth against him for the said sum, to be returned into the publick treasury, pursuant to a law in such cases made and provided.

Ordered, that upon the granting of the aforesaid execution, an order be signed to the treasurer for the payment of the said sum of six pounds two shillings and 2*d.* unto the said Daniel Stanton.

Upon the consideration of what the Governour has laid before this board, relating particularly to the intelligence he has received concerning an alteration designed to be made in the civil government of this Colony, and that it is probable it will be earnestly endeavoured the coming winter: the Council, judging thereupon that it is of the greatest importance to the welfare of this corporation that the present juncture be improved in the best and most effectual manner, are of opinion that it is highly requisite an affair of this consequence be considered and regulated by the Assembly; and unanimously agree that a General Assembly be for that end called at Hartford, to meet on the 19th day of this present month, by twelve of the clock, and the Governour is desired to issue out the proper writs for that end.

At a meeting of the Governour and Council in New London, November 14th, 1713.

Present, The Honourable Gurdon Saltonstall, Esq^{r}, Governour.

William Pittkin,
Richard Christophers,
John Haynes,
Mathew Allyn,
} Esq^{rs}, *Assistants.*

William Whiting, Esq^{r}, *Justice.*
Christopher Christophers.

[20] The Council, taking into consideration the order of this board ‖ for the calling of an Assembly, to meet at Hartford the 19th of this month, have, upon further debate, thought fit to delay the execution of that order until the Deputy Governour and Assistants absent may be advised of the intelligence communicated by the Governour to this board, relating to our affairs at home; and it is thereupon agreed, that the said order be suspended. And it is further ordered, that letters be forthwith expressed to those gentlemen, that their opinions may be obtained, whether it may be proper to call an Assembly at this juncture. And if those gentlemen concur with this board for the calling of an Assembly, the Governour is thereupon desired to issue out the proper orders for convening the said Assembly, with as much speed as may be.

Agreed, that Coll. Mathew Allin be desired to wait upon the Deputy Governour and gentlemen Assistants, on the sea shore, at Fairfield on Wednesday next, to give them as full an understanding as may be of

the affairs recommended to their consideration by the letter now expressed to them.

Ordered, that Coll. Allyn endeavour to procure silver money with two hundred pounds of our bills of credit, to serve the occasions of the government at home, by transmitting it to the agent.

Ordered, that William Pitkin, Esq^{r}, do deliver the sum of eighty pound in our bills of credit, formerly lodged in his hand by order of Council, to Coll. Mathew Allin, for the service of the government to procure silver money, pursuant to an order of Council for that end.

Ordered, that the treasurer do deliver the sum of one hundred and twenty pounds in our bills of credit to Coll. Mathew Allin, for procuring silver money for the service of this government, pursuant to an order of Council for that end.

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[21] At a meeting of the Governour and Council in New London, November 16th, 1713.

Present, The Hon^{ble} Gurdon Saltonstall, Esq^{r}, Governour.

Daniel Wetherell, Esq^{r}.
William Pitkin, Richard Christophers, John Haynes, } Esq^{rs}, *Assistants.*
Christopher Christophers.

William Pitkin and William Whiting, Esq^{rs}, Commissioners for settling and running the line between the Province of the Massachusets Bay and this government, brought in their respective accounts of time and expence in that service, and laid them before this board; which were examined, and the balance allowed to William Pitkin, Esq^{r}, 36*l.* 8*s.* 10*d.*, and to William Whiting, Esq^{r}, 18*l.* 2*s.* 6*d.*, and orders were signed to the treasurer for the payment thereof.

William Pitkin and William Whiting, Esq^{rs}, Commissioners appointed by the Assembly in October last, to meet the Commissioners of Massachusets government, and joyn with them in running the line between this Colony and that Province, pursuant to the agreement for that end, made at Boston by the Commissioners of both governments, and dated July 13th, 1713, making report to this board how far they had proceeded in that work, and that they had brought up the said line from Woodward and Safferys first station to Connecticut River, and erected proper monuments thereon; but that they had been obstructed in their further proceeding, by the Commissioners disagreeing in the true intent and meaning of that part of the said agreement which concerned the bounds of Symsbury and Suffield: It was considered, whether it be proper, and for the benefit of this government, to use as speedy means as can be, for the adjusting of that difference, and for the compleating of the running of the said line, according to the said agreement.

[22] Upon what the Governour has laid before this board concerning the ports, the Council considering that until such time as the naval

officers have given bond with sureties to the said commissioners, the Governour of this Colony stands lyable to forfeit a thousand pound sterling, upon the male administration of any of the said naval officers: It is hereby ordered, that whatsoever damages or charges the Governour for the time being shall sustain by reason of any such male administration, or forfeiture, shall be defrayed out of the publick treasury of this Colony. This order to be of force for any damages that may be sustained by the Governour as aforesaid by such aforesaid male administrations as may happen to be committed before the next sessions of the Assembly.

Ordered, that immediate endeavours be used to obtain a concertation with the government of Rhoad Island, that we may unite in our endeavours at home to prevent what may be designed against the charters of each government; pursuant to an act of the Assembly to enable the Governour and Council to make such a concertation.

Ordered, that endeavours be used with the government of the Massachusets, to bring them, or any considerable persons of that government, to joyn with us in any the most proper measures that may be used for the defence of the charters of these governments against the designs which we are advised are formed for laying them aside.

Ordered, that if the aforesaid endeavours to obtain a union of the Charter Governments, or any of them, in the common defence of their charters, can be obtained, that this government be at a fitting proportion of charge with them for that end, to be drawn out of the thousand pound devoted by the Assembly to that service.

Ordered, that in case our endeavours for the beforementioned union [23] with the aforesaid governments prove || unsuccessful, as that no such thing can be obtained before the fall ships sail for Great Britain, that then, pursuant to the act for devoting the thousand pound as aforesaid, the sum of three hundred pound sterling be procured and put into the hands of Jeremiah Dummer, Esq^{r}, our agent, to be improved by him in defending our charter against the attempts which are or may be made for the alteration of our civil government, according to such directions as he has received or may receive from this government for the same, reserving the said three hundred pound in his hand for the farther order of this government, if there be no occasion for any such use of it.

Ordered, that a hundred pound sterling be procured for Jeremy Dummer, Esq^{r}, our agent, to be paid him on account of his salary.

Ordered, that the sterling money which may be wanted for the use of the government, pursuant to the above orders, be procured by buying silver here with our bills of credit, or by buying bills of exchange; and what can't be procured in either of these ways, the Governour is desired to procure by a letter of credit in the name of this government on S^{r} W^{m} Ashurst.

Ordered, that the most prudent measures be forthwith taken by some fitting person going to Boston, to obtain that the line of division between this Colony and the Province of the Massachusets, and already partly run, be forthwith compleated.

Ordered, That such a representation of the usefulness and necessity of our ports for the small trade of this government be made, as may, if it can be, obtain a letter from Coll. Nicholson to the commissioners of the customs in London, in favour of them; and that it can't be any such prejudice, as is pretended, to the crown, to have the several ports con-
[24] tinued. And that this letter, if it can ‖ be obtained, be covered to our agent by the fall ships.

Ordered, that as soon as we have a return from the Deputy Governour and the gentlemen Assistants in the western parts of this Colony, to whom we have this day sent an express, if they don't propose the calling an Assembly forthwith, some fitting person or persons do proceed with all convenient speed to Rhode Island and Boston, and endeavour to obtain what is proposed and agreed in the foregoing orders.

The importance of many of the affairs referred to in the preceding orders being great, the Council have thought good to desire the Governour, (if a General Assembly ben't called upon the return of the express sent to the Deputy Governour, &c.) if his health will admit, taking such Assistants as he shall find needful, to take a journey to Boston, with as much speed as may be, for the more effectual prosecuting the said affairs. But in case his indisposition should prevent his taking such a journey in season, the Governour is desired to furnish some one or more of the gentlemen Assistants with proper orders and instructions, that they may forthwith proceed to Boston and take care of the premises.

Ordered, that the treasurer do forthwith deliver to William Pitkin, Esq^{r}, the sum of five hundred pounds, to be improved in the service of the Colony at home, pursuant to an order of the Assembly enabling the Governour and Council to draw any sum under a thousand pound for that service.

Whereas Capt. Peter Mason of Colchester has brought a bill to the treasurer of this Colony for a debt said to be owing to the said Mason, which bill appears to be changed and augmented by forgery, in making an article of debt about the value of nine pound, which did not originally belong to it, (and otherwise,) which nine pound the said Mason has received of the treasurer, and thereof defrauded the Colony; and whereas the said Mason, being interrogated before this board concern-
[25] ing ‖ the said bill, did justifie the bill, by declaring he had seen it in the treasury since the complaint of its being changed and altered as above, but denyed that it was at all altered, and declared that the justices who signed it, signed it for the sum for which the treasurer received it, and that the bill now is as it was when it came out of the said justices hands, without any alteration, addition, or augmentation thereby, made by him.

Ordered, that the Queens attorney, Mr. John Read, do forthwith prosecute the said Mason for the said crime.

At a meeting of the Governour and Council in New London, November 23, 1713.

Present, The Honourable Gurdon Saltonstall, Esq^r^, Governour.
Daniel Wetherell, Esq^r^,
Richard Christophers, Esq^r^, *Assistant.*
Jonathan Prentis, } Esq^rs^, *Justices.*
John Plumbe, }
Christopher Christophers.

The Governour signified to this board that he had received an answer from the Deputy Governour and gentlemen assistants near to him, and communicated their opinion concerning the calling of a General Assembly forthwith; which was that they thought it not best.

The Governour having by the late express to the Deputy Governour and the gentlemen assistants to the westward, communicated a [26] project concerning the ports, ‖ viz. that proper endeavours be used to obtain a report from Coll. Nicholson to the Commissioners of the Customs in London, or others as may be thought most serviceable, in favour of our ports, that the whole number of them may be continued for the use and benefit of the coasting trade, although the foreign trade, and such as concerns naval stores produced in this Colony, be restricted to a lesser number; and having communicated the opinion of the Deputy Governour and Assistants, whereby they approved of this project, put the question, whether it be agreed to that endeavours be used as aforesaid.

Resolved, that the abovementioned project be prosecuted in the best manner; and the Governour is desired to take care accordingly.

At a meeting of the Governour and Council in New London, December 1°, 1713.

Present, The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.
Daniel Wetherell, Esq^r^.
Richard Christophers, Esq^r^, *Assistant.*
Mr. Nehemiah Smith, } *Justices of the Peace.*
Mr. Jonathan Prentis, }
Mr. John Pickett.

Upon Mr. Reads, the Queens attorney, representing to this board, upon the order of Council of the 16th of the last month, for the prosecuting of Capt. Peter Mason of Colchester for the crime specified in the said order, that for reasons by the said attorney alledged, it is not probable the said Mason will be convict of the forgery therein referred [27] to, but that the ‖ nine pounds which was paid by the treasurer out of the publick treasury to the said Mason, upon the bill in which the said forgery was done, by inserting an article of that value, might be recovered: Ordered, that in case the said Mason do come to the

Governour and deliver to him the said nine pounds, to be returned to the treasurer, with desire that thereupon the process ordered against him may cease, that then the said attorney shall not prosecute; but if otherwise, that then the said attorney shall bring him to a tryal for the said crime, at the next county court to be holden in the county of Hartford.

At a meeting of the Governour and Council in New London, December 12th, 1713.

Present, The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.
Daniel Wetherell, Esq^r^,
Richard Christophers, Esq^r^, *Assistant.*
Jonathan Prentis, Esq^r^, *Justice.*
Mr. John Pickett,
Christopher Christophers.

The Governour laying before the Council several letters and other intelligence informing of a great scarcity of grain in the Provinces of Massachusets Bay and Rhoad Island; and that, although there may be a considerable supply of it in this Colony, yet there being several vessels designing to load here for Madera and other foreign parts, those that have grain to dispose of hold it at such a great price that the poorer people of this Colony are in danger of suffering for want; and so much grain may be probably shipped off to foreign parts that we may neither have a sufficient store within ourselves, and much less be able to afford [28] that relief to the aforesaid || neighbour Provinces which may be necessary: for the preventing of which,

Resolved, that no grain shall be exported out of this Colony to any other place whatsoever, without special license had from the Governour in Council, until farther order be taken.

Resolved, that orders be forthwith sent to the authority and selectmen in each town, directing them forthwith to make a calculation, what quantities of grain, viz. Indian, wheat and rye, may be spared, reserving a sufficient store for the necessities of each town; and that they make report thereof to the Governour and Council with all convenient speed. And that the clerk of the Council draw out this order, sign it, and send it to the civil authority and selectmen in each town forthwith.

Resolved, that licenses be granted by the Governour to such masters of vessels, for exporting grain out of this Colony, who shall give bond to the treasurer of this Colony, with sufficient sureties of this Colony to double the value of the grain they have leave to export, that they shall carry the same and land it in one of the said Provinces of Massachusets or Rhoad Island, and within four months after the date of the said bond, produce a certificate under the hand of the collector or naval officer, where they land the same, that they have so done.

Ordered, that the collectors and naval officers shall, and they are hereby, in her Majesties name, impowered, (until farther orders be

given them,) to seize all such grain, viz. Indian, wheat and rye, as now is, or hereafter may be shipped on board any vessel without licence obtained for the same from the Governour as aforesaid, and secure the same so seized, in some safe place, that it may be disposed of by order of the Governour and Council, or General Assembly, to relieve the necessities of her Majesties subjects in this Colony and the neighbouring Provinces of Massachusets Bay and Rhoad Island, as there may [29] be occasion. ‖ And that they shall not grant a clearing to any vessel whatsoever, except the master produce such license, or shall make oath before such collector or naval officer, (which oath they are hereby respectively impowered to administer,) that he has no grain on board his vessel, but what is to be carried to some place within this Colony, of the kinds aforesaid; and that he will not suffer any such to be exported therein out of this Colony. And the Governour is desired to give immediate orders to the said officers respectively, and command assistance to be given to the said officers by all justices of peace, sheriffs, constables or their deputies, and other her Majesties subjects, as the said officers shall require.

At a meeting of the Governour and Council in New London, December 14th, 1713.

Present, The Hon^{ble} Gurdon Saltonstall, Esq^{r}, Governour.
Daniel Wetherell, Esq^{r},
Richard Christophers, Esq^{r}, *Assistant.*
Jonathan Prentis, Esq^{r}, *Justice.*
Mr. Jonathan Star,
Christopher Christophers.

Whereas the General Assembly did, by an act passed at their sessions at New Haven in October last, leave the gaining of what equivalents shall belong to this Colony by the late agreement for the settlement of the line between this Colony and the Province of Massachusets, to the Governour and Council: The Council, taking the same into consideration, do desire the Governour, who is designed to Boston, to act therein in the behalf of this Colony, as he shall judge to be best and most for our advantage.

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[30] At a Meeting of the Governour and Council in New London, January 7th, 171$\frac{3}{4}$.

Present, The Honb^{l} Gurdon Saltonstall, Esq^{r}, Governour.
Daniel Wetherell, Esq^{r},
Richard Christophers, Esq^{r}, *Assistant.*
Jonathan Prentis, Esq^{r}, *Justice.*
Mr. John Pickett,
Christopher Christophers.

This board being informed that the town of Kellingly purpose to lay out lands as within the township of Kellingly, up to the line of this Colony as lately run by the commissioners for that end appointed, whereas the grant of that township, which bounds them by the north line of this Colony, was made at a time when a line from Woodward and Safferys first station to Bissells house on Connecticut River in Windsor was the only line between this Colony and the Province of Massachusets, which had been run by order of the Massachusets Colony, and there was no other line at the said time to be given them as the north bounds of said town; by which line they had the full extent of miles from south to north, given them, for the extent of their township;—and there being now by the late running of the line, a tract of land within this Colony to the northward of the said township of Kellingley, sufficient to make a township, and to which the town of Kellingley can have no right by their grant of the said township,

It is agreed, that the selectmen of the town of Kellingley be, and they are hereby strictly charged, to give immediate notice to the said town. in a town meeting for that end to be by them forthwith called, that they do not presume to make or lay out any grants of land to the northward of the antient line, run by Woodward and Saffery to Bissells house aforesaid, as they will answer the contrary.

And the clerk of the Council is hereby directed to transmit forthwith to the said selectmen of Kellingley, a copy of this order, signed and attested by him.

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[31] At a meeting of the Governour and Council in New London, February 23d, 171$\frac{3}{4}$.

Present, The Hon^{ble} Gurdon Saltonstall, Esq^{r}, Governour.

Daniel Wetherell, Esq^{r},
Richard Christophers, Esq^{r}, *Assistant.*
Richard Bushnell, Esq^{r}, } *Justices.*
Jonathan Prentis, Esq^{r}, }
Mr. Thomas Leffingwell,
Mr. John Pickett,
Christopher Christophers.

Agreed, that a proclamation be issued out for a publick fast, to be observed throughout this Colony on the last Wednesday of March next.

Upon application made to this board in behalf of the volunteers to whom the General Assembly of this Colony granted a tract of land for a plantation, on the eastern part of this government, representing that Lt. Thomas Leffingwell, Capt. Richard Bushnell, Capt. James Avery, Capt. John Hough, Capt. John Prentts, Lt. Solomon Tracy, Deacon Manassah Minor, and Mr. John Gallop, were a committee elected by themselves for the management of that plantation, and desiring that they may have the approbation of this government for their appearing as there may be occasion, to maintain the right of the said

volunteers to the said land granted to them as above: This board, being desirous to encourage the said settlement according to the said grant, do hereby approve of the said committees, or the major part of them, appearing and maintaining the said right and the proceedings of the said volunteers, pursuant to the said grant, as there shall be occasion, (provided it be no charge to this Colony,) in any place and at any time, before the General Assembly to be holden at Hartford in May next, and until the said Assembly shall see cause to make any other regulation in this affair.

Upon the petition of John Brown, clothier, residing in Norwich, [32] representing that by reason of a long || lameness and great charge he has been at towards his cure, he is reduced to great want, and praying that he may be relieved: It is the opinion of this board that he ought to be provided for by the town of Norwich, according to the law, title Poor; and it is granted that the selectmen of the said town of Norwich may (if they see cause, and cannot otherwise more conveniently provide for the said Brown the necessary relief,) ask the contribution of the people of the said town, and at such convenient time as they shall appoint and publish; and having received the same, apply it to the relief of the said Brown in his distress, as they shall find it needful.

At a meeting of the Governour and Council in New London, March 25th, 1714.

Present, The Hon^{ble} Gurdon Saltonstall, Esq^{r}, Governour.

Richard Christophers, } Esq^{rs}, *Assistants.*
Peter Burr, }
Samuel Eells, }
John Plumb, Esq^{r}, *Justice.*
Christopher Christophers.

Upon consideration of the good supply that is brought into the neighbouring Provinces of Massachusetts Bay and Rhoad Island, the imbargo laid upon grain in December last is hereby ordered to cease.

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[33] At a meeting of the Governour and Council in New London, May 5th, 1714.

Present, The Hon^{ble} Gurdon Saltonstall, Esq^{r}, Governour.

Daniel Wetherell, Esq^{r},
Richard Christophers, Esq^{r}, *Assistant.*
Mr. John Pickett,
Christopher Christophers.
Jonathan Prentis, Esq^{r}, *Justice.*

The Governour represented that upon a complaint made to him yesterday by Cesar, sachem of Mohegan, Ben Uncas, and several other Indians of Moheag, that some persons, and particularly Henry Hall and Joseph Woolcott, had on Saturday last set up the frame of an house within the land of the Mohegan country in the township of New London, which was settled by a feofment in trust to the use of Cesar and the Mohegan Indians forever; and that they kept watch and ward with arms by the said house, and threatned to be the death of any that should oppose them; he had granted a writ to the sheriff to arrest the bodies of the said Hall and Woolcott, and any other persons that he should find aiding and abetting of them in the said trespass and breach of the peace, which writ was returned, and thereby brought before this board the said Henry Hall, lately come from Naragansett, and Joseph Woolcott, with Joseph Tubs and Thomas Davis of this town of New London.

Upon examination, Thomas Davis, carpenter, declared he was a servant to Mr. John Livingston, and framed and set up the house by order of Peter Mason, and that Joseph Woolcott was his apprentice and helped him in the work; and that he the said Davis did on last Monday night, about midnight, when Hall and Woolcott were lodging at the said house, come to the said house and at some distance from them fired off a gun with a little powder in it, to see how they would be frighted at it. The said Davis also owned that there was a gun at the said frame yesterday morning, and that the gun was Coll. Livingstons, and carried thither by Davis on Monday night.

[34] Henry Hall declared he was hired by Peter Mason to assist in the setting up of the said house, and that he had been assisting.

Joseph Tubs declared that he came to the said house accidentally, last night, and that Mr. John Hubbard of Colchester hired him with a shilling to stay there last night, to keep Henry Hall company, who must otherwise have been there alone. To which declaration of Joseph Tubbs, the said Hubbard, being examined before this board, declared the same, and that he did it for his brother Peter Mason, who had desired him to oversee the work till the return of his said brother, who was gone to Hartford.

Paul Wentworth, Joseph Chapman, Abraham Avery, and Samuel Fairbanks, being produced as evidences, were sworn to answer to such interrogatories as should be asked them.

Paul Wentworth being asked what he knew concerning a frame erected on Fort Hill, in the Mohegan country, and of the breach of the peace and trespass complained of, answered upon his oath, that on last Saturday night Joseph Woolcott being at his house, told him, before his whole family, that he was not afraid the frame would be pulled down, because Peter Mason had told him that the Governour and James Rogers would put any person in prison that should attempt it, or words to that purpose.

The aforesaid question being asked Joseph Chapman, he, the said Chapman, upon his oath saith, that yesterday morning he saw a gun at the frame, and that he heard Henry Hall say that the frame was set up by the Governours order, and that he told Hall that he heard

there was three companys of Indians raised to prevent their building; whereupon Hall replyed, that if there was, the Governour would raise men enough to meet them or drive them away, or words to that purpose.

Abraham Avery upon his oath saith, (the aforesaid question being asked him,) that yesterday morning he was at the frame and saw a gun there, and that they told him Thomas Davis brought it there, and fired it in the night they thought to scare them; and he asked them if they were not afraid to tarry there alone, because the Indians were inraged, [35] to which Joseph ‖ Woolcott answered, that the Governour was on their side, and they were not afraid of any one, or words to that purpose.

Upon the examination and evidence aforesaid, it appeared that the erecting of the said house upon the Indians land, and maintaining the said trespass there vi et armis, was a breach of the peace attended with such circumstances as might prove of dangerous consequence. And whereas at present the late law for remedying of forcible entries or detainers, and punishing such as shall be guilty of the highest misdemeanours in so breaking the peace, stands repealed,—

It is resolved, that the consideration of this matter be referred to the General Assembly to meet at Hartford the 13th of this instant, and that John Hubbard, Thomas Davis, and Henry Hall, do give bond with sureties to the treasurer of this Colony, of ten pound each, for their appearance at the said Assembly, to answer for their aforesaid misdemeanour, and that in the mean time they shall not proceed to carry on the said house, but immediately inform the Governour if they know of any person who shall attempt the same; and that they stand committed till this sentence be fulfilled.

Ordered, that the sheriff take into his custody John Hubbard of Colchester, now present before this board, and that he discharge him not till he has fulfilled the sentence of this board.

The Governour, by an interpreter, directed Cesar and the Indians who were now present, that if those Englishmen who were obliged to make and keep a good fence about their fields, did not do it in season, they should complain to him, that he might take care of them; and told the said Indians, that if the fence was good they should have a pound to hold cattle that did them any damage. And farther asked them, whether the said fence was at this time sufficient; to which they answered that they would go home and make a view, and come and complain if it was not repaired.

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[36] At a meeting of the Governour and Council in New London, May 8th, 1714.

Present, The Honourable Gurdon Saltonstall, Esq^{r}, Governour.
Daniel Wethrell, Esq^{r},
Richard Christophers, Esq^{r}, *Assistant.*
John Plumbe, *Justice Peace.*
Mr. John Peckett, *Freeman.*

Ordered, that the books (Confession of Faith) now in the custody of Mrs. Elizabeth Short, bound by her, be received of her by Mr. John Plumbe, and that he send so many of them to Hartford as will make up fifteen hundred with what has been sent already to that and the western countys, in order to their being disposed of by the General Court; the other five hundred to remain in his hands for this county as the General Court shall order.

Ordered, that the treasurer pay unto Mrs. Elizabeth Short, fifty pounds money, out of the publick treasury, for binding the two thousand books of confession of faith, and that an order be drawn on him accordingly, and signed by two of this board. *Orders given to the treasurer for the same.*

May 8th, 1714. This day orders made out to the treasurer to the gentlemen of the Council, for their service the last year tending in Council.

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[270] *CONNECTICUT COLONY.*

At a General Assembly and Court of Election, begun and holden at Hartford, in her Majesties Colony of Connecticut, in New England, on Thursday the 13th day of May, in the thirteenth year of the reign of our Sovereign Lady Anne, Queen of Great Britain, &c., Annoque Dom. 1714, and continued by several adjournments to the 28th day of the same month.

Present at this Assembly,

The Honourable Gurdon Saltonstall, Esq^{r}, Governour.
The Honourable Nathan Gold, Esq^{r}, Deputy Governour.

John Hamlin, Esq^{r},	Mathew Allyn, Esq^{r},
William Pitkin, Esq^{r},	Joseph Talcott, Esq^{r},
Richard Christophers, Esq^{r},	Abram Fowler, Esq^{r},
Peter Burr, Esq^{r},	John Sherman, Esq^{r}.
Samuel Eells, Esq^{r},	Roger Wolcott, Esq^{r}.

Representatives or Deputies that were returned to attend at this Assembly, are as followeth, viz:

Col^{o} William Whiting, Capt. Aaron Cook, for Hartford.
Mr. Samuel Cook, Mr. Samuel Bishop, for New Haven.
Mr. John Richards, Mr. James Rogers, for New London.
Capt. Joseph Wakeman, Major John Burr, for Fairfield.
Capt. John Park, Lt. Dan^{ll} Brewster, for Preston.
Lt. Joseph Rockwell, Ens. William Harris, for Midletown.
Capt. John Hall, Mr. Houkins Hart, for Wallingsford.

Mr. Joseph Bradford, Mr. Jeremia Fitch, for Lebanon.
Mr. Samuel Buel, Mr. Robert Lane, for Killingsworth.
Mr. Thomas Huntington, for Mansfield.
[271] Mr. Joshua Ripley, Lt. Jonath. Crane, for Windham.
Mr. Nathan[ll] Chapman, Mr. Dan[ll] Buckingham, for Seybrook.
Mr. Joseph Parkhurst, Mr. John Smith, for Plainfield.
Mr. Elisha Pain, Mr. Samuel Addams, for Canterbury.
Lt. Joseph Peck, Mr. Zac. Baldwin, for Milford.
Capt. James Judson, Capt. John Hawley, for Stratford.
Mr. Jonath. Bell, Mr. Jonath. Bates, for Stamford.
Mr. James Morgan, Mr. Jonath. Starr, for Groton.
Capt. Robert Wells, Capt. Joshua Robbins, for Weathersfield.
Capt. Rich[d] Bushnell, Lt. Joseph Beccus, for Norwich.
Mr. James Wadsworth, for Durham.
Capt. Josia Starr, Mr. Francis Barnam, for Danbury.
Mr. Edward Barker, Mr. John Russell, for Branford.
Capt. Tim[o] Thrall, Mr. Roger Wolcott, for Windsor.
Capt. Andrew Ward, Mr. Caleb Lett, for Guilford.
Mr. Joseph Phelps, Mr. Joseph Case, for Symsbury.
Mr. Samuel Peck, Mr. Eben[z] Mead, for Greenwich.
Mr. Tho. Kimberly, Mr. John Hubbard, for Glassenbury.
Lt. James Wells, for West Haddam.
Mr. Samuel Kellogg, Lt. Sam[ll] Hanford, for Norwalk.
Mr. John Hooker, Capt. John Hart, for Farmington.
Lt. Ephraim Minor, Mr. Dan[ll] Palmer, for Stoningtown.
Mr. James Newton, Mr. Michael Tainter, for Colchester.
Capt. Titus Hinman, Mr. William Preston, for Woodbury.
Capt. Thomas Gates, for East Haddam.
Mr. John Riggs, for Derby.
Mr. Peter Aspinwell, for Kellingley.
Lt. Abram Brunson, Mr. Thomas Lee, for Lyme.
Mr. John Hopkins, Mr. John Scovell, for Waterbury.

Mr. John Hooker, Speaker, } of the House of Representa-
Mr. Samuel Cook, Clerk, } tives.

This day being appointed by charter and the laws of this Colony for the Election of the publick officers of this corporation, viz:—the Governour, Deputy Governour, Assistants, Treasurer, and Secretary,—proclamation was made in Court [272] by order of the Hon[ble] the Governour and Council, || and the freemen of this corporation proceeded to give in their votes to persons chosen and appointed by the Governour, Council and Representatives, to receive and sort them. The persons so chosen and appointed are, John Hamlin, Esq[r], William Pitkin, Esq[r], Richard Christophers, Esq[r], Peter Burr, Esq[r], Samuel Eells, Esq[r], Joseph Talcott, Esq[r], Col[o] William

Whiting, Capt. Aaron Cook, Mr. Samuel Bishop, Major John Burr, Mr. Roger Wolcott, Mr. James Rogers, who were all sworn truly and faithfully to receive, sort, and count the said votes ;—and the votes of the freemen having now been brought in, sorted, and counted,

The Honourable Gurdon Saltonstall, Esq^r^, was chosen Governour for this Colony for the year ensuing, and the Governours oath was administred to him by the Hon^ble^ the Deputy Governour, before this Assembly, and likewise the Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour of this Colony, now in this Assembly, took the oath required to be taken by all Governours of her Majesties Colonies or plantations in America, &c. in an[d] by an act of Parliament made in the seventh and eighth years of the reign of King William the third, intituled An Act for preventing frauds and regulating abuses in the plantation trade, which oath was administered to him by the Hon^ble^ the Deputy Governour and Council.

The Honourable Nathan Gold, Esq^r^, was chosen Deputy Governour for this Colony for the year ensuing, and sworn before this Assembly by the Hon^ble^ the Governour.

John Hamlin, Esq^r^,	Samuel Eells, Esq^r^,
William Pitkin, Esq^r^,	Mathew Allyn, Esq^r^,
Joseph Curtice, Esq^r^,	Joseph Talcott, Esq^r^,
Richard Christophers, Esq^r^,	Abram Fowler, Esq^r^,
Peter Burr, Esq^r^,	John Sherman, Esq^r^,
John Alling, Esq^r^,	Roger Wolcott, Esq^r^,

[273] were chosen Assistants for this Colony the year ‖ ensuing; and all of them, excepting Joseph Curtice and John Alling, Esq^rs^, were now sworn Assistants in the presence of this Assembly by the Hon^ble^ the Governour.

Hez. Wyllys was chosen Secretary of this Colony for the year ensuing, and before this Assembly sworn to that office and trust.

Capt. Joseph Whiting was now chosen Treasurer of this Colony for the year ensuing.

John Hamlin and Joseph Talcott, Esq^rs^, Mr. John Hooker and Capt. John Hart, are appointed to present the Reverend Mr. Samuel Whitman the thanks of this Assembly for his election sermon the thirteenth instant, and to desire of him a copy of the same for the press.

This Assembly appoint Richard Christophers and Peter Burr, Esq^rs^, Mr. Samuel Bishop and Capt. John Hart, to audit the Colonys accounts with the Treasure[r] as soon as may be, and make return thereof to this Assembly.

This Assembly do establish and confirm Capt. Andrew Ward of Guilford to be Captain of the first company in the said town of Guilford, and that he be commissioned accordingly.

This Assembly do establish and confirm Ensign Richard Hubbell of Stratfield to be Lieutenant of the trainband in said Stratfield and be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Sherwood of Stratfield to be Ensign of the trainband in said Stratfield and be commissioned accordingly.

This Assembly do establish and confirm Mr. Benajah Bushnell of Norwich to be Lieutenant of the company or trainband (which hath been under the command of Capt. Richard Bushnell,) in the said town of Norwich, and that he be commissionated accordingly.

This Assembly do establish and confirm Mr. Thomas Adgat of Norwich to be Ensign of the same company, and that he be commissionated accordingly.

[274] This Assembly do establish and confirm Mr. John Morgan of Groton to be Captain of the upper company or trainband in the said town of Groton, and that he be commissionated accordingly.

This Assembly do establish and confirm Mr. Christopher Avery of Groton to be Lieutenant of the upper company or trainband in the said town of Groton, and that he be commissionated accordingly.

This Assembly do establish and confirm Mr. William Williams of Groton to be Ensign of the upper company or trainband in the said town of Groton, and that he be commissionated accordingly.

This Assembly do establish and confirm Mr. Titus Hinman of Woodbury to be Captain of the company or trainband in the said town of Woodbury, and that he be commissionated accordingly.

This Assembly do establish and confirm Mr. Joseph Minor of Woodbury to be Lieutenant of the company or trainband in the said town of Woodbury, and that he be commissionated accordingly.

This Assembly do establish and confirm Mr. John Curtice of Woodbury to be Ensign of the company or trainband in the said town of Woodbury, and that he be commissionated accordingly.

Whereas by an act passed by the General Assembly of this Colony holden at Hartford May 14th, 1713, intituled An Act

for emitting bills of credit, the sum of twenty thousand pounds was ordered forthwith to be emitted and delivered to the treasurer by a committee appointed,

[275] *It is hereby enacted by the Governour, Council || and Representatives, in General Court assembled, and by the authority of the same*, That the said treasurer be and is hereby impowred to issue forth and emit two thousand pounds of the said bills towards the payment of the publick debts of this Colony, and the further necessary charge thereof, according to such orders as shall be given him from time to time according to law.

And be it further enacted, That as a fund or security for the repayment and drawing in of the said bills into the treasury again, this Assembly grants a tax or rate of two thousand and one hundred pounds, to be levyed on polls and all other rateable estate within this Colony, and to be paid into the treasury at or before the last day of May, 1724; which said rate shall be paid in the bills of credit of this Colony, or in money as it passeth generally in the country at the time of payment, and in no other manner.

Whereas it appears that the surveyor of the county of New London has not, pursuant to an order of this Assembly in May last, run the bounds of Canterbury and returned to the General Assembly in October last: Resolved by this Assembly, that the said surveyor be impowred and ordered to run the said bounds of Canterbury, pursuant unto the aforesaid act, and make a return of his doings therein to the General Assembly in October next.

This Assembly do establish and confirm Mr. Thomas Kimberly of Glassenbury to be Ensign of the company or trainband in the said town of Glassenbury and be commissioned accordingly.

Ordered, That all the lands lying or being to the northwards of the bounds of the towns of Lebanon, Windham and Mansfield, and westwards of the town of Woodstock and Pomfrett, shall be accounted to be in the county of Hartford.

[276] This Assembly do establish and confirm Mr. James Wells of Haddam to be Captain of the company or trainband on the west side in the town of Haddam aforesaid, and that he be commissionated accordingly.

This Assembly do establish and confirm Mr. James Brainerd to be Lieutenant of the company or trainband on the west side in the said town of Haddam, and that he be commissionated accordingly.

This Assembly do establish and confirm Mr. Joseph Arnold of Haddam to be Ensign of the company or trainband on the west side in the town of Hartford, [Haddam] aforesaid, and that he be commissionated accordingly.

This Assembly do establish and confirm Mr. Thomas More of Windsor to be Captain of the company or trainband on the south side the river in Windsor aforesaid, and that he be commissionated accordingly.

This Assembly do establish and confirm Mr. Charles Wolcott of Windsor to be Lieutenant of the company or trainband on the south side in the town of Windsor aforesaid, and that he be commissionated accordingly.

This Assembly do establish and confirm Mr. Abram Bradley of Guilford to be Lieutenant of the second company or trainband in the said town of Guilford, and that he be [commissionated accordingly.]

Cost allowed to Daniel Harriss, William Harriss and Isaac Johnson, five shillings apiece for travel and tendance at this Court, to answer the petition of Abigail Ward. *Execution granted June 7th, anno Dom.* 1714.

This Assembly grants liberty and full power to Hannah Hurlburt of New London, widow and relict of Stephen Hurlburt, late of New London, deceased, and administratrix on his estate, to sell so much lands of the estate of the deceased, by and with the order, direction and allowance of the court of probates in the county of New London, as may be sufficient to pay all the debts due from the said estate.

[277] This Assembly grants liberty and full power to Joseph Lockwood and James Lockwood of Norwalk, guardians to Ann Lockwood, daughter of Daniel Lockwood, late of said Norwalk, deceased, who being an infirm and diseased person and so like to continue, to sell so much of the lands that by distribution is set out to the said Ann Lockwood as her portion in her said fathers estate, for the payment of such charges as hath arisen for her cure and that may be necessary for her support and maintenance; always provided that they obtain the direction and allowance of the court of probates in the county of Fairfield as to the quantity of lands by them to be sold from time to time.

This Assembly grants liberty and full power to Henry Castle of Woodbury, administrator on the estate of his father, Henry Castle, late of said Woodbury, deceased, to sell so much of the lands of the said deceased, by and with the direction and approbation of the court of probates in the county of Fairfield, as may be sufficient to pay all the debts due from the said estate.

Upon the petition of John Tuttle of Lebanon, representing his being taken captive at Annapolis Royall in the year 1710, by the Indian enemy, and that he had endured many hardships and difficulties in the time of his captivity, so as thereby to be much disabled for labour to provide for himself and family, praying the consideration of this Court thereupon: This Assembly grant to the said John Tuttle as a gratuity the sum of ten pounds to be paid him out of the publick treasury of the Colony.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That who have been according to the election of the General Assembly constituted by a commission signed by the Governour and sealed with the Colony seal for judges of the respective county courts in this Colony, and justices of the peace, pursuant to an act of this Assembly intituled An Act [278] providing for || commissions to be granted to the judges of the county courts and justices of the peace, that they continue in the discharge of their respective offices, according to such their commissions, until the first day of June next ensuing, and not farther, any clause in that act contained to the contrary notwithstanding.

And it is further enacted by the authority aforesaid, That judges of the county courts and justices of the peace be by this present Assembly chosen and commissioned, to serve in the respective posts whereunto they are chosen, from the first day of June next ensuing unto the first day of June in the year next after ensuing, and that the judges and justices aforesaid shall be thus annually chosen by the Assembly at the Court of Election and commissioned as abovesaid.

This Assembly do establish and confirm Mr. Josiah Curtice of Stratford to be Captain of the first company or trainband in the said town of Stratford, and th[at] he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Ufoot of Stratford to be Ensign of the first company or trainband in the said town of Stratford, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Holcomb of Symsbury to be Captain of the company or trainband in the said town of Symsbury, and that he be commissioned accordingly.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the inhabitants at the west division in Hartford

have liberty of choosing military officers and being a trainband by themselves, and that to be when they have military officers established amongst them; and that there shall be an equal division made and line drawn and stated by Major Joseph Talcott between the trainbands belonging to Capt. Aaron Cook and Capt. Hez. Wyllys, in the town of Hartford.

[279] This Assembly grants liberty and full power to Joanna Adkins of Hartford, relict of and administratrix on the estate of Josiah Adkins, late of said Hartford, deceased, to sell so much of her said deceased husbands lands as may suffice for the payment of the debts of the deceased, under the particular direction of the court of probates in the county of Hartford.

This Assembly do establish and confirm Mr. John Sabin of Pomfret to be Captain of the company or trainband in the said town of Pomfrett, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Philemon Chandler of Pomfrett to be Lieutenant of the company or trainband in the said town of Pomfrett, and be commissioned accordingly.

This Assembly do establish and confirm Mr. Licester Grosvenour of Pomfrett to be Ensign of the company or trainband in the said town of Pomfrett, and be commissioned accordingly.

This Assembly grants full power and authority to Richard Nickols, administrator on the estate of Thomas Sharp, late of Newtown, deceased, to sell so much of the real estate, if so much there be, of the said deceased, as may suffice for the payment of the debts of the said deceased, that is, so much as the personal estate of the said deceased falls short of the same, under the direction of the court of probates in the county of Fairfield.

Upon the petition of Joseph Barnes of Farmington, this Court do remit unto him the sum of twenty six shillings and eight pence, being the countrys part of forty shillings fine for leaving a pair of oxen out of the grand list the last year.

Forasmuch as there was no salary granted to Capt. Joseph Whiting in October last, this Court grant to him for his salary as treasurer the sum of sixty pounds money, for the year past.

[280] The Hon^{ble} Nathan Gold, Esq^{r}, William Pitkin, Richard Christophers, Peter Burr and Samuel Eells, Esq^{rs}, are appointed by this Assembly to be Judges of the Superiour Court for the year ensuing, and that the Hon^{ble} Nathan Gold be Chief Judge, and in his absence that place to be supplied by the next in the order herein mentioned; and in case by any providence the aforenamed judges shall be prevented from at-

tending the business of the circuit, his or their place so prevented shall be supplied by one or more of the assistants, to take place therein according to the seniority of their station in the ranks of assistants; always provided, that none be admitted to sit in judgment in the superiour court in the same county where he is judge of the county court or court of probates.

This Assembly do establish and confirm Mr. Joseph Treat of Weathersfield to be Ensign of the south company or trainband in the said town of Weathersfield, and that he be commissioned accordingly.

Upon a full hearing of the complaint of the Pequod Indians living in Groton, against the said town of Groton, that they had wronged them of a neck of land in that town, called Nawayunk, which they had long since improved before they removed to live at a place within the said town called Masshantucksett, and upon the report of a committee appointed by the Assembly in October last to survey the said neck and the said land called Masshantucksett, now made to this Assembly,—it appearing that the said Pequod Indians, being originally captives in and surrenderers upon the close of the Pequod War in 1637, have been allowed several places and tracts of land in the township of New London and Groton, for their planting and subsistence, and particularly the said neck of Nawayunk, did about forty years since desire that they might be allowed to remove from the said Nawayunk as being worn out by them, [281] and no supply || of firewood left upon it, unto the aforesaid place and tract of land called Masshantucksett, and were allowed and are still allowed to settle there and improve the same;—it appearing also that the said lands of Masshantucksett are in quantity 2000 acres, larger by a 1500 acres, and more convenient than the said neck of Nawayunk, for the use of the said Indians, who are not willing to leave their present situation and improvement of the Masshantucksett lands;—do thereupon conclude, that the said Indians have a very sufficient quantity of lands at the said Masshantucksett for their subsistence and livelyhood, and that it is not meet they should hold a right in both those places;—and order that the said Indians, if they should be at any time molested and disturbed in their planting or improvement on the said Masshantucksett lands, upon their application made to this Court shall be heard and relieved by this Court, and that the said Indians shall be allowed for their conveniency of clamming, fishing or fowling, to come to the sea or salt water upon Nawayunk neck, as other Indians have been constantly allowed in other places.

Upon the petition of the north society in the town of Middletown, praying for liberty to imbody into church estate, this Assembly grant them liberty according to their petition.

This Assembly grant full power and authority unto Mary Lewis and Samuel Lewis, eldest son of Samuel Lewis, sen^{r}, the petitioners to make sale of so much of the outlands of the abovesaid Samuel Lewis, sen^{r}, that lye in Farmington, near the west division of Hartford, as may suffice for the payment of such sum or sums of money, which the said Samuel Lewis has taken upon interest and now stands indebted for, together with the interest of the said sum or sums remaining due, under the direction and with the advice of Mr. John Hooker and Capt. John Hart of Farmington.

[282] Yelverton Perry complained to this Court that he had not received the full of his wages for his service in the expedition against Port Royall, and for lying in garrison there after the taking the said place, and also that he had been there taken captive and endured great hardships for some time in captivity, and prayed upon the whole matter a just recompence from the publick treasury: whereupon his allegations being by this Court seen and fully understood, they grant him the sum of five pounds out of the publick treasury of this Colony.

This Assembly do establish and confirm Major John Burr to be Captain of the troop in the county of Fairfield, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Laboree of Stratford to be Lieutenant of the troop in the county of Fairfield, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nehemiah Loring of Stratford to be Cornet of the troop in the county of Fairfield, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Sedgwick of Hartford to be Captain of the company or trainband at the west division in the town of Hartford, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Cadwell of Hartford Lieutenant of the company or trainband at the west division in the said town of Hartford, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Gillet of Hartford to be Ensign of the company or trainband at the west division in the town of Hartford aforesaid, and that he be commissioned accordingly.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That those that shall be judges of the superiour courts for two years next ensuing be allowed one hundred and twenty pounds [283] per annum for that service, to be divided among ‖ themselves as they shall agree; to be paid out [of] the avails of the said courts if sufficient, if not, the remainder to be paid out of the Colony treasury. And if it shall so happen that the avails of the said courts surmount the aforesaid sum, that the remainder or surplusage be paid into the Colony treasury.

Whereas it appears to this Court that Mr. Commissary Christophers did in the year 1710, leave in the hands of Mr. Daniel Foxcraft sundry stores and slops (belonging to this Colony,) for the use of her Majesties garrison of Annapolis Royall, as may be seen by an account under the hand of the said Foxcraft, dated October the 10th, 1710, amounting to the sum of £79. 7*s.* 0*d.*, a part thereof, viz. 42*l.* 14*s.* 9*d.* was issued to Col° Whitings company: This Court do fully authorize and impower the said Col° Whiting to demand and receive (of the said Mr. Daniel Foxcraft, or any other person or persons in whose hands any part of the said 79*l.* 7*s.* 0*d.* shall be found,) the said money for the use of the Colony, and upon receipt of the whole or any part thereof to give discharges.

This Assembly do now grant unto the Hon^ble^ Col° William Whiting the sum of twenty pounds, to be taken out of the publick treasury of this Colony, for an acknowledgment for his good service in the late expedition for the reduction of Port Royall, &c.

This Assembly do establish and confirm Mr. Robert Denison of New London to be Captain of the north company or trainband in the said town of New London, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Harriss of New London to be Lieutenant of the north company or trainband in the said town of New London, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Avery of New London to be Ensign of the north company or trainband in the said town of New London, and that he be commissioned accordingly.

[284] Upon the petition of Samuel Cooly, representing that he had bought several parcels of land and an house in Milford of Joseph Lockwood and paid forty pounds for the same, which lands he was advised were escheats from one Mr. Symson un-

to this Colony of Connecticut,—praying that this Assembly would ratify the said lands unto him: This Assembly do confirm the said lands unto him, his heirs and assigns forever, by granting the governments right thereunto.

This Assembly appoint Joseph Talcott, Esq^{r}, Mr. John Hooker and Mr. James Wadsworth, a committee to endeavour to promote a good agreement in the south society in Middletown about the place for setting their meeting house; and in case such endeavours prove unsuccessful to that end, to state the place themselves according to their wisdom and discretion, at the charge of the said society.

This Assembly grants liberty unto the inhabitants of the town of Ridgefield to imbody into church estate and settle an orthodox minister amongst them.—And also the brand for the town of Ridgefield to brand their horses be with this figure .

Whereas it has been made to appear to this Assembly, that there was an ancient grant of a tract of land made by this government to Alexander Bryan, Esq^{r}, late of Milford and an assistant of this Colony, deceased, and that there was a committee of this Court appointed to lay out the said grant, which they did not make any return of, nor ever that appears did perform the same: and whereas the said original grant cannot be found, so that the quantitie of acres cannot be known: and Mr. Ebenezar Bryan, grandson of the said Alexander Bryan, has petitioned to this Assembly that the said quantity of acres [285] may be ascertained, and an order made || for the laying of it out: Ordered that, pursuant to the said grant, the surveyor of the county of Hartford shall lay out the quantity of two hundred acres, near Shenups Pond, or elsewhere in the said county; provided it do not prejudice any former grant of this Assembly.

An Act for the Preservation of Timber, preventing the Exportation thereof.

Whereas great quantities of barrel, pipe and hogsheads staves are exported out of this Colony to the neighbouring Provinces, to the great destruction of timber and damage of the trade of her Majesties subjects here, to the Wine Islands or the West Indies: For the prevention thereof,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all barrel staves that shall be shipped for exportation out of this Colony to any of the neighbouring governments of Massachusetts Bay, New York, New Jerseys, Rhode Island, and

New Hampshire, shall pay to the naval officers in each port where the said staves shall be shipped, and for the use of this government, the sum of twenty shillings per the thousand; and all hogsheads or pipe staves, the sum of thirty shillings upon every thousand which shall be shipped as aforesaid.

Be it also enacted, That if any person or master of a vessel shall (before entry made with the naval officer of the port where he shall lade his vessel with any staves for any the aforesaid Provinces, and giving bond with sureties to the naval officer in said port, not to export them until he has paid the duty of this act laid upon their exportation,) take on board any vessel any quantities of staves as aforesaid, and information thereof shall be given to the said naval officer of the said [286] port, the naval officer is hereby impowred || to seize the said staves so shipped and secure them; which said staves shall be forfeited, one half to the publick treasury of this Colony, and the other half to the informer who shall prosecute for the same to effect at the next county court within the county where the said port in which the staves so shipped shall lye. Provided also, that this act shall not take place until the first of December next, and shall continue in force but for four years next ensuing the date of this act.

Resolved by this Assembly, That Capt. Parks and Mr. Daniel Brewster, and Capt. Thomas Williams of Plainfield, be a committee to appoint a place for the building of a bridge over Moosups River, and to agree with the petitioners, Miles Jordan and Francis Smith, or any other persons, to build the said bridge, and make them reasonable satisfaction in Colony land, if there be any near to the said bridge convenient for that purpose.

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That no town or officer therein shall be obliged to mount any guard of soldiers on the Lords day or other days of publick worship, except only in a time of war; any law, usage or custom to the contrary notwithstanding.

Upon the petition of Samuel Benton and Mary Benton, for the confirmation of a partition of land made between the said Samuel Benton and Edward Benton, the late husband of the said Mary Benton, now deceased: This Assembly resolve, that the deed of partition under the hand and seal of the said Edward Benton, deceased, bearing date April the 29th, 1713, be allowed and accounted as good and authentick in the law to [287] all intents || and purposes, as if the said deceased had himself acknowledged the said deed before authority accord-

ing to law. Provided that the witnesses of the said deed make oath before lawful authority that the said deceased did sign and seal the said deed, and that he was in his right mind to their understanding when he so did; provided likewise that the beforementioned Samuel Benton do lawfully execute the deed of partition on his part, bearing equal date with the other.

This Assembly,—taking into their serious consideration the many evident tokens that the glory is departed from us, the providences of God are plainly telling us that our ways do not please him, and knowing the great obligations that we are under, not only for the suppressing of all prophaneness and immorality that so greatly threatens the ruin of the land, but also to encourage piety and virtue,—do pray the Hon^{b,e} the Governour to recommend to the reverend elders of the General Association, at their next meeting, that they give direction to the reverend elders of each particular association throughout the government, that the state of religion be strictly inquired into in every parish throughout this government; and particularly how and whether catechizing be duly attended, and whether there be a suitable number of bibles in the various families in the respective parishes; and also, if there be found in any of our parishes any persons that neglect attendance upon the publick worship on Lords days,—to enquire what means hath been used with such persons to regain them to a compliance with their so necessary a duty, that thereby the worship of God be duly encouraged, observed and attended, both in families and parishes; and likewise that there be a strict enquiry, which and what are the sins and evils that provoke the just Majesty of Heaven to walk contrary unto us in [288] the ways of || his providences, that thereby all possible means may be used for our healing and recovery from our degeneracy.

And it is further recommended to the reverend elders of the General Association, that they send in to the Hon^{ble} the Governour what they shall think necessary respecting the premises, after such enquiry hath been made.

An Act concerning Small Causes.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all causes wherein title of land is not concerned, that are brought by an appeal from the judgment of any assistant or justice of the peace to any county court, shall be heard and finally issued at the first tryal in the said court, so that it shall not be lawful for the said court to grant an appeal or review

of the cause from the said judgment, either upon pleas of abatement of the writ or in the tryal of the action.

And it is further enacted, That all causes brought immediately to any county court, wherein title of land is not concerned, and wherein the debt, trespass, damage or other matter doth not exceed forty shillings, also pleas in abatement in all such cases, shall be issued in the said county courts; provided only, that the person or persons aggrieved at the judgment of the said county court in the first tryal of such causes as are immediately brought unto the said court as abovesaid, shall have liberty by a new process, once and no more, to review his or their action in the same county court where the said cause was before tryed.

Always provided, That this act be and remain in force only for two years next ensuing.

The Governour having shewn to this Assembly that the government of the Massachusetts Province has allowed 2000 acres equivalent to this Colony for a grant of land formerly made by them to his ancestor S^r^ Richard Saltonstall, Kt., [289] || which hapned to fall within the bounds of Windsor in this Colony; and having declared in this Assembly that he is content the said town of Windsor should enjoy the said grant, provided he may take up the equivalent for it instead thereof, where it may best suit him in the lands given for equivalents by the said government of Massachusetts: It is thereupon granted by this Assembly, that the Governour, Gurdon Saltonstall, Esq^r^, may take up to his own use the said quantity of acres among the equivalents allowed to this Colony, where it shall best suit him; provided that the said tract be taken up in one intire piece.

The Hon^ble^ the Governour having shewn to this Assembly that he hath appointed and commissioned for naval officers within this Colony, in the port of New London, Mr. Christopher Christophers; in the port of Seybrook, Mr. Daniel Taylor; in the port of Guilford, Mr. Josiah Rosseter; in the port of New Haven, Mr. John Prout, jun^r^; in the port of Milford, Major Sam^ll^ Eells; in the port of Stratford, Mr. Benjamin Curtice; in the port of Fairfield, Mr. John Edwards; in the port of Stamford, Mr. John Bell: This Assembly do hereby approve of the said officers; and it is hereby enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, that whatsoever damage the Governour of this Colony for the time being shall sustain, by the male administration of the naval officers, shall be reimbursed out of the publick treasury of this Colony.

Upon the petition of John Pendall of New London, administrator on the estate of Mrs. Elizabeth Stratton, late of said New London, deceased, praying that he might be enabled to make conveyance of about six acres of land unto Joseph Herriss and Joshua Hempstead, which was sold to them in the life time of the said Mehetabell Straton, but no deeds compleated according to law: This Court grants unto the said John Pendall full power to compleat the sale of the said land, by giving ample deeds for the same, which being executed according to law shall be as sufficient to all intents and purposes [289] for ‖ the holding of the same to the abovenamed Joseph Harriss and Joshua Hempstead, to each of them respectively and to their heirs and assigns forever, as if the said deeds had been compleated in the life time of the said Mehetabel Straten.

Upon the petition of Comfort Chappel of New London to pass a deed to his uncle Caleb Chappel of Lebanon, for a piece of land in New London, formerly conveyed from his said uncle to his father, George Chappel, late of said New London, deceased, on consideration of which land said George Chappel was to be at the charge of the one half of the maintenance of his aged mother, but dying before the condition was fulfilled the said Caleb Chappel was obliged to provide for the maintenance of his said mother as formerly: This Assembly therefore orders and impowers the said Comfort Chappel to make a deed of said land unto his said uncle, Caleb Chappel, which being executed according to law shall be taken and allowed to all intents and purposes as good in law as if the said George Chappel had conveyed the said land back again in his life time.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when and so often as it so happen, that the personal estate of a deceased intestate, leaving a widow, is not sufficient for the payment of the debts of the said deceased, besides such household goods as are necessary for the support of life, and exempted from execution in the law, title Executions: in such cases the court of probates that grant administration of the estate of the deceased shall order unto the widow of the said deceased such necessary household goods as is exprest above in this act, for her use during life.

Upon the petition of Hannah North and Thomas North, administrators of the estate of Thomas North, of Farmington, deceased: This Assembly impower the said administrators to make and execute a deed of three acres of land to the heirs of Joseph Bird, deceased, pursuant to a bargain between the said

Thomas North, deceased, and him, the said Joseph Bird, deceased.

[291] John Edgcomb of New London having, pursuant to the order of this Assembly in October last, filed a libel in this Court, representing the whole proceedings both in this Court and in the common pleas, in the action brought against him and his wife, as she was administratrix of the estate of her husband, Joshua Hempstead, of said New London, deceased; and particularly relating to a tract of land lying in Stoningtown, part of the estate of the said Joshua Hempstead, which she had sold during her widowhood, to Samuel Fish of Groton, upon an order of this Assembly, which said Edgcomb alledged gave her power so to do, which piece or parcel of land was recovered from said Fish by Joshua Hempstead, son of the said Joshua Hempstead, deceased, by a will of his father, and upon which recovery the said Fish had demanded of the said Edgcomb by an action brought against him upon a warranty of the said land given by his said wife during her widowhood, and recovered 200*l.* with costs: This Court having received the answer of the said Joshua Hempstead, now appearing in this Court, unto the said libel, and thereupon having searched the records of this Court, and of the common pleas, referred to in the said libel and answer,—do find,—that when the said land was demanded in an action of the said Fish by the said Hempstead, by virtue of his fathers will produced and proved some years after the said Edgcombs wife had alienated the land, he the said Fish did not by voucher bring in the said Edgcomb and his wife to maintain the warrantee given him by her of the said land, and lost the said land to Hempstead; that when the said Fish brought his action against Edgcomb and his wife to recover upon the warranty to the value of the said land, Edgcomb pleaded that no such action could be brought against him, for that he had not been so brought in by voucher to defend the title against said Hempstead; and the court ruled that therefore the action should abate;—that upon the petition of the said Fish to this Court, there was a special act of this Court, October, 1712, ordering that said Fish should be admitted to bring said action against the said Edgcomb, providing particularly that said Edgcomb should be admitted to maintain the title his said wife in her widowhood had war-
[292] ranted ‖ to said Fish, as if no judgment had ever been obtained for the said land by the said Hempstead against the said Fish; and that the said Hempstead should be allowed to plead against the said Edgcomb, and to maintain his title by the said will to the said land, as if Edgcomb had been regu-

larly brought in upon a voucher in the proper season; that pursuant to the said act of this Court said Fish brought the said action again contra the said Edgcomb and his wife in the common pleas, where the said Hempstead also appeared and pleaded against him, and particularly the said Edgcomb pleaded that the recovery of the said land by the said Hempstead from the said Fish was erroneous, for that at the time when said Hempstead brought his said action contra Fish he was barred from having any such action contra Fish by the law intituled Possessions, which limits all persons to fifteen years after the accruing of their title, or, if they be minors within the time, to five years after they come of full age; whereas he alledged that the said Hempstead did not, because the said action was not brought within fifteen years after the death of his father, by whose will he claimed the land, nor five years after the said Hempstead came to the age of twenty one years. To which the said Hempstead replyed, that he nevertheless brought his said action contra Fish within the time limited by that law, because his title to the said land did not accrue to him until the probate of the said will, which was some years after he the said Hempstead came of full age, and that he brought the said action against Fish in many years less than the said fifteen mentioned as the limit of such action in the said law, after said probate. To which it was replied by the said Edgcomb, that (thô he agreed to the facts alledged that the will was not [293] proved till said Hempsteads coming to the age || of twenty one years, and that his said action against Fish was brought in less than fifteen years after said probate, yet the said action was brought contrary to the said law, for that the said title pleaded by the said will did accrue to the said Hempstead by and at the death of the said testator, and not by and at the probate of the will, and that he did not bring the said action within fifteen years after the testators death, nor within five years after his coming to the age of twenty one years. To which the said Hempstead, conceding to the facts, insisted nevertheless that his action will lay, for that it was brought within fifteen years after the said probate by which the said title accrued to him. The jury, taking cognizance of the point of law, viz. said Hempsteads right to bring said action, being the only matter in question upon the pleading, do declare in their verdict that the said Hempstead had not neglected to bring his said action within the time limited by said law after the accruing of his title, and thereupon the court gave judgment against Edgcomb that Fish should recover of him 200*l.* with costs. Upon the whole it appears that the verdict of the jury, as it attempts the determination of the point of law con-

cerning the said Hempsteads bringing his action within the time limited by said law, and particularly whether the said title accrued to the said Hempstead by and at the death of the said testator or by and at the probate of the said will, is erroneous, the determination of that point being the proper province of the judges of the superiour court before whom that action had its final trial, and do thereupon make this provisional order, that the judges of the said superiour court do appoint as soon as may be a convenient time for the said Edgcomb and Hempstead to argue the said point of law before them, and lay before this Assembly their opinion and determination thereupon at the next session, that this Court may give proper direction for the revocation of all such acts and proceedings and for the reversion of all such judgments as shall be found inconsistent with the said determination of the said law as it shall be declared upon solemn debate by the said judges, that this Court will suspend all further enquiries upon the wrong supposed by the said Edgcomb to be done him, until the declaration of the judges, upon the argument and debate of the said parties, as finding it necessary that this step should be first taken before there can be a right understanding of what in equity might further be decreed for his relief.

[294] Whereas it may possibly so fall out that the constables of the respective towns, appointed to collect and receive the Colony tax of such towns and pay the same to the Colony treasurer, may mispend such money as they have received as aforesaid, and have not estate sufficient for the payment of such tax or some part thereof, and so the Colony be in danger of losing such tax, or such part of it as aforesaid: For the prevention of which, and that the Colony taxes be well secured,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when and so often as it shall so happen that any constable prove insolvent, or shall not be able to pay the Colony tax or of any part or parcel thereof in his hands, in such case the treasurer of this Colony is ordered and impowred to levy by execution on any of the selectmen of such town or towns, where the constable or constables which prove insolvent as aforesaid are so chosen to collect the tax, for the rate, or any part or parcel thereof, still in the hands of such insolvent constable or constables, in such manner as is provided by an act of this Assembly made in May last.

And it is further enacted by the authority aforesaid, That the selectmen in such town or towns as abovesaid, shall levy a tax or rate upon the inhabitants of said town or towns, ac-

cording to the list of polls and rateable estate therein, that shall be sufficient for the payment of such rates or part thereof as is recovered by the Colony treasurer of such selectmen as aforesaid, with the charges arising thereupon; and the said selectmen shall account with the selectmen next chosen in any such town or towns, or with any other person or persons that may be appointed by said town or towns for that end, respecting the said tax levyed as abovesaid.

Upon the petition of the inhabitants on the east side of Connecticut River in Midletown: This Assembly grant them to be a society, and to settle an orthodox minister for the carrying on the work of the gospel amongst them, when they are able.

This Assembly fully impower and authorize the town clerk [295] for the time being, in such towns where are || no assistant or justice resident, from time to time to administer the oaths that by law are provided for that end, unto the respective officers of such towns that by law ought to be sworn to the faithful discharge of their said offices, and that town clerks once sworn shall continue in their office until other persons be chosen and sworn in their room.

Upon consideration of the petition of John Lattemore of Weathersfield, shewing that he the said Lattemore, with his son, Bezaleel Lattimore, became bound in a recognizance of fifty pounds that his said son should appear at the county court holden at Hartford the 9th of February last past, to answer for his stealing goods from Mr. Joseph Allyn of Weathersfield, and his said son, for reasons mentioned in said petition, not appearing at the said time, the said court gave judgment that the said recognizance was forfeited, and he the petitioner had paid down ten pounds in money, part of said recognizance, and offering sundry reasons for it, pray'd the residue of the said recognizance may be remitted: This Court do remit the same.

This Assembly fully impower and authorize the Governour, and in his absence the Deputy Governour, with two assistants and three judicious freemen, to manage the publick affairs of the government according to charter, in the intervals of the General Assembly;—that Dan[l] Wetherell may be in the room of one of the said assistants. Always provided, that the Governour and his Council are not hereby impowred to send men out of the government.

This Assembly grant unto Mr. John Hooker, the Speaker, for his good service in that post, thirty shillings out of the publick treasury; unto Mr. Samuel Cooke, the Clerk, for his

good service in that post, twenty five shillings out of the publick treasury; unto the constable, three shillings per diem for his attendance on the Court, and three shillings for building stages, out of the publick treasury.

[296] Whereas the people of Hebron find some difficulty in levying the taxes on the lands, by reason of some uncertainty in their east bounds of the said town,

It is ordered by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the east bounds of the town of Hebron shall be at the west bounds of the town of Lebanon, and so northward on the same line to the south bounds of the town of Coventry; provided nothing herein shall alter the right or property of any persons land, or give or be construed to give any possession of lands within the said town. And all persons that claim any lands within the town, as the bounds are now stated, (that have not already recorded the same in the said town records,) shall enter the same in the records of the said town of Hebron, by the first day of August next ensuing, upon penalty of forfeiting the sum of ten shillings per month for each neglect, to be paid to the treasury of the said town of Hebron. And all lands lying within said township as now stated shall be taxed towards the charge of the same.

It is hereby enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That such persons as shall be appointed by the Governour and Council, and commissioned by the Governour thereunto, shall be and are hereby impowred in the behalf of this government to joyn with such persons as shall be fully impowred thereunto by the government of Rhode Island, and so run and set up sufficient monuments upon the line agreed upon between the commissioners of both governments to be the dividend line between the said Colonies.

Upon the petition in the behalf of Timothy Parkhurst of Plainfield, praying for the abatement of his imprisonment, [297] || as is set forth in the petition: Granted, that if the petitioner shall give bail to any of the judges of the superiour court, to render himself to him or to any of the said judges, upon command at any time within a twelvemonth after the session of this Court, the time yet to come of his imprisonment, according to the sentence given against him, when the prison and weather will allow him to be imprisoned without danger of hazarding his health, shall commence; provided only he pay the money adjudged by the sentence of the superiour court before he be released as above.

Granted by this Assembly, that the grant of 2000 acres of land made by the Assembly in October last to the Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour of this Colony, to be taken up in the equivalent lands, that he might be enabled to accomplish and fulfill his promises in behalf of this government made to such gentlemen as have been thereupon moved to be considerably serviceable to this government in procuring the good settlement of the dividing line between the Province of the Massachusetts Bay and this Colony, shall be laid out to him by the surveyor of the county of New London, in such place as the Governour shall choose in the north east corner of this Colony, eastward of Woodstock, among the broken lands lying between or among the tracts belonging to several gentlemen, granted to them by the government of Massachusetts Bay, and confirmed to them by the late agreement of the commissioners for fixing the line between this Colony and the Province of the said Massachusetts Bay; provided that the said grant be not taken up within nine miles of the north bounds of Plainfield, and provided also that he shall not take up less than five hundred acres of the said grant in one intire piece among the broken lands; also provided, that the said 2000 acres be laid out on the north of the old supposed line between the Massachusetts and this Colony.

Upon the petition of the inhabitants of the north part of the town of New London, that they be allowed to be a parish [298] || and settle an orthodox minister of the gospel among them: This Court grants that the land added to the township of New London on the north part thereof, by an act of this Assembly in May, 1703, be allowed to be a parish or distinct society for the worship of God, and that the inhabitants upon the said land shall have, and have hereby granted to them full power for that end as is granted in other places allowed by this Assembly to be distinct parishes or societies for the worship of God. And it is hereby ordered and enacted, that they shall be freed from all parish duties to the town of New London, or to the society for the publick worship of God there, as soon as they shall procure and settle among them an orthodox minister of the gospel.

Resolved, That the delinquents mentioned in an act made and passed by this Assembly in May 13th, 1708, intituled An Act for defraying the charges of prosecuting delinquents, are such only as are prosecuted as criminals by the Queens officers.

And it is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That such only may and shall by that law be ordered to pay the charges of their prosecution.

This Assembly appoint Joseph Talcott, Esq^{r}, to be Judge of the County Courts and Court of Probates in the county of Hartford.

This Assembly appoint Jonathan Law, Esq^{r}, to be Judge of the County Courts in the county of New Haven.

This Assembly appoint John Allyn, Esq^{r}, Judge of the Court of Probates in the county of New Haven.

This Assembly appoint the Hon^{ble} Nathan Gold, Esq^{r}, to be Judge of the Court of Probates in the county of Fairfield.

This Assembly appoint Peter Burr, Esq^{r}, to be Judge of the County Courts in the county of Fairfield.

This Assembly do appoint Richard Christophers, Esq^{r}, Judge of the County Courts and Court of Probates in the county of New London.

[299] This Assembly appoint Capt. Thomas Hart, Mr. John Eliot, Mr. John Hooker, Capt. Robert Wells, Col^{o} William Whiting, Capt. Aaron Cook, Justices of the Peace and Quorum for the county of Hartford.

This Assembly appoint Mr. John More, Mr. Joshua Riply, Mr. Thomas Judd, Mr. Michael Tainter, Capt. James Wells, Capt. Thomas Ward, Capt. Thomas Gates, Lt. Samuel Humphreys, Capt. Joshua Robbins, Justices of the Peace for the county of Hartford.

This Assembly appoint Capt. Joseph Treat, Mr. Abram Bradley, Mr. Warham Mather, and Mr. Samuel Byshop, Justices of the Peace and Quorum for the county of New Haven.

This Assembly appoint Mr. Josia Rosseter, Col^{o} Ebenezar Johnson, Mr. James Hooker, Capt. Thomas Yale, Capt. Nathaniel Harrisson, Mr. Edward Barker, Mr. James Wadsworth, Capt. John Hall, Justices of the Peace for the county of New Haven.

This Assembly do appoint Capt. John Minor, Capt. James Olmstead, Capt. James Judson, Major John Burr, Mr. James Bennet, Mr. John Edwards, Justices of the Peace and Quorum for the county of Fairfield.

This Assembly appoint Mr. Joseph Bishop, Lt. Sam^{ll} Peck, Mr. Ebenezar Mead, Capt. Joseph Platt, Capt. Josia Starr, Justices of the Peace for the county of Fairfield.

This Assembly appoint Capt. Dan^{ll} Wetherell, Capt. William Ely, Mr. Nehemia Smith, Capt. Richard Bushnell, Mr. Nathaniel Lynd, Mr. Daniel Taylor, Mr. Nathan^{ll} Cheesbrough, Mr. John Plumb, Mr. Jonathan Prentiss, Justices of the Peace and Quorum for the county of New London.

This Assembly appoint Mr. Samuel Buel, Capt. William Clark, Capt. Thomas Williams, Capt. John Parks, Mr. Abram Pierson, Mr. Christopher Huntington, Mr. Daniel Palmer, Justices of Peace for the county of New London.

Upon the petition of Jonathan Barrett for allowance to him for the healing of his wounds which he received from the enemy in the year 1712, when under the command of Lt. William [300] Crocker: This Court grants to the petitioner, || Jonathan Barret, five pounds, to be paid him out of the publick treasury of the Colony.

This Assembly refer the further consideration of the bills yet lying before this Court to the Assembly in October next, viz. about Ashford and land north of Kellingley, and about forcible entries.*

The aforegoing record of this Assembly was read in the presence of both Houses, and ordered to be signed by the Secretary as perfect and compleat.

May 28th, 1714. HEZ. WYLLYS, Secry.

This Assembly is adjourned till the Governour or Deputy Governour shall see cause to call them to meet again.

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[37] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN HARTFORD, MAY 20TH, 1714.

Present, The Honourable Gurdon Saltonstall, Esq^{r}, Governour.
The Honourable Nathan Gold, Esq^{r}, Deputy Governour.

William Pitkin, Esq^{r},
Richard Christophers, Esq^{r},
Peter Burr, Esq^{r},
Samuel Eells, Esq^{r},
Joseph Talcott, Esq^{r},
Abraham Fowler, Esq^{r},
John Sherman, Esq^{r},
Roger Woolcott, Esq^{r},
} *Assistants.*

Ordered, that Mr. Nathaniel Burnham is appointed Surveyor to attend our Commissioners in running the line between this Colony and the Massathusett Province.

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* We had no law concerning Forcible Entries, from October, 1703, to October, 1722, though attempts to pass an act on the subject were made at several times, as in May, 1711, and at this session in May, 1714, when the bills passed in the Upper House were rejected by the Lower; in October, 1714; in May, 1716, when either House rejected a bill passed by the other, and in October, 1721. Several of these abortive bills are in Civil Officers, &c. Vol. I.

At a meeting of the Governour and Council in Hartford, May 28th, 1714.

Present, The Honourable Gurdon Saltonstall, Esq^{r}, Governour.
The Honourable Nathan Gold, Esq^{r}, Deputy Governour.

John Hamlin, Esq^{r},
Peter Burr, Esq^{r},
Samuell Eeles, Esq^{r},
Joseph Talcot, Esq^{r},
Abraham Fowler, Esq^{r},
John Sherman, Esq^{r},
Roger Woolcot, Esq^{r},
} *Assistants.*

[38] Upon the petition of Josiah Rositer, John Grave, Isaac Parmerly, John Hopson, Joseph Cruttenden, all of Gilford, for a commission of sewers, pursuant to an act for that end provided, the said petitioners being proprietors of the greatest part of the land referred to in said petition: Granted thereupon, that a commission of sewers be made to Daniell Bartlet and Samuell Hill, and Samuell Cruttenden, all of Gilford, for digging and draining of the said land accordingly.

Upon the petition of William Pitkin, Esq^{r}, Roger Pitkin, Timothy Cowles, James Easton, Nathaniell Pitkin, Ozias Pitkin, William Cowles, Caleb Pitkin, William Buckland, Joseph Easton, Joseph Olmstead, Daniell Bidwell, John Meakins, Sam^{ll} Meakins, all of Hartford, for a commission of sewers, pursuant to an act for that end provided, the said petitioners being proprietors of the greatest part of the land referred to in said petition: Granted thereupon, that a commission of sewers be made to Roger Woolcott, Esq^{r}, Samuell Bancraft, and Samuell Rockwell, all of Windsor, for digging and draining of the said land accordingly.

Whereas by the act of this Assembly, the care of securing the several ports of this government is put into the hands of the Governour and Council, and the Governour having communicated to the Council a scheme for that end, which the Council has approved of: It is ordered pursuant thereunto, that two hundred pound be put into the hands of the Hon^{ble} Gurdon Saltonstall, Esq^{r}, Governour of this Colony, to be improved as he shall think fit for the preservation and security of the said ports.

Peter Burr and Joseph Talcott, Esq^{rs}, having, pursuant to order, returned under their hands an account of what part of the rate for the town of Hartford was put by the administrators of George Alcott, constable of the said town, into the hands of Thomas Allcott, constable of the said town, to be collected by him according to an order for that end made by the Governour and Council, which part of the said rate amounted to twenty and six pounds, to be collected of the several persons which as per the return of the said Burr and Talcott had not payed their respective sums to the said Tho. Alcott,

Ordered, that the administrators of the said George Alcott be allowed [39] in their account with the treasurer for the rate to be ‖ collected by the said George Alcott, the said sum of twenty and six pounds.

And further, that the present constable of the said town, Joseph Bunce, be impowred by an order endorsed upon the said account of the said Peter Burr and Joseph Talcott, Esq[rs], to collect the said remain of the said rate from the several persons from whom by the said account it appeared to be due; and that this order be endorsed upon the said account and signed per the Secretary, which was done accordingly.

At a meeting of the Governour and Council in New London, June 2°, 1714.

Present, The Hon[ble] Gurdon Saltonstall, Esq[r], Governour.
Daniel Wetherell, Esq[r].
Richard Christophers, Esq[r], *Assistant*.
William Ely,
Nehemiah Smith,
Jonathan Prentis,
John Plumbe,
} Esq[rs], *Justices*.
Christopher Christophers.

Richard Christophers, Esq[r], produced a bill in the form of the forty shillings bills of credit of the first stamp emitted by this Colony, bearing the date of July 12th, 1709 only, and not the additional date also of May, 1713, over the names of the committee signing, as in all the late emitted bills; which being examined and compared with a true forty shilling bill of this Colony, was found to be a counterfeit bill, and taken off from a false plate, and was evidently so, more particularly by the bad cut and unevenness of the letters making up the body of the said bill.

[40] *Resolved thereupon*, that a proclamation be issued ‖ signifying the cheat, and for the putting of all persons that have any of the said bills of credit of the first stamp in their hands upon returning them to the treasurer and exchanging them there, for bills to the same value, of those lately emitted according to an act in such case provided.

The Governour signified to this board, that he was yesterday inform'd that Peter Mason of Colchester designed to erect the house (which the Mohegan Indians complained of him to the last Assembly for setting up in a forcible manner on their present planting fields at Mohegan, in the town of New London,) very speedily in the same place, or very near it, in the same planting fields, and that Ben Uncas and several of the Mohegan Indians had been with him to complain thereof; and desired the opinion of this board, what might be proper to be done for preventing any such force as is threatned, or removing it, if it should be done, that the Indians may not be disturbed in their possession and improvement of their said fields.

[41] At a meeting of the Governour and Council in New London, June 15th, 1714.

Present, The Hon^{ble} Gurdon Saltonstall, Esq^{r}, Governour.
Daniel Wetherell, Esq^{r}.
Richard Christophers, Esq^{r}, *Assistant.*
John Plumb, Esq^{r}, *Justice.*
Mr. John Griswould.
Christopher Christophers.

Ordered, that in addition to the proclamation agreed upon, the 2d of this month, there be a reward of forty pounds given to whomsoever shall discover such guilty person or persons, so that he or they may be convict thereof.

At a meeting of the Governour and Council in New London, August 13th, 1714.

Present, The Hon^{ble} Gurdon Saltonstall, Esq^{r}, Governour.
Daniel Wetherell, Esq^{r},
Richard Christophers, Esq^{r}, *Assistant.*
John Plumb, Esq^{r}, *Justice.*
Mr. John Pickett,
Christopher Christophers.

Whereas by an order of the Council made May the 8th, 1714, the books of church discipline, printed at New London, were to be carried to Hartford for the disposition of the General Court, but the opportunity then presenting being slipt, and the books still remaining here: Ordered, that Mr. Justice Plumb, by the first opportunity, send to the [42] several gentlemen in them hereafter ‖ named, the quantity of those books annexed to their names, to be kept in their hands for the order of the General Assembly in October next.

To the Hon^{b} Nathan Gold, Esq^{r}, at Fairfield,	327
To John Allyn, Esq^{r}, at New Haven,	327
To Mr. Secretary Wyllis, at Hartford,	654
To Mr. John Plumb, at New London,	490

Joseph Chamberlain of Colchester produced a bill of fourteen shillings and eight pence, due for expences of Lt. Crocker in the year 1712, and it appearing not to be paid: Ordered, that the said sum be paid him out of the publick treasury.

At a meeting of the Governour and Council in New London, August 24th, 1714.

Present, The Honourable Gurdon Saltonstall, Esq^{r}, Governour.
Daniel Wetherell, Esq^{r},
Richard Christophers, Esq^{r}, *Assistant.*
Lt. John Richards,
Christopher Christophers.

Considering the afflicting hand of God upon the land, in a long continued drought: It is ordered, that Wednesday, the first day of September next, be observed as a day of fasting and prayer throughout this Colony.

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[43] At a meeting of the Governour and Council in New Haven, October the 13th, 1714.

Present, The Honourable Gurdon Saltonstall, Esq^{r}, Governour.

John Hamlin,
William Pitkin,
Peter Burr,
John Allin,
Sam^{ll} Eells,
Joseph Talcott,
Abraham Fowler,
John Sherman,
} Esq^{rs}, *Assistants.*

Having received a letter from our Agent, Jeremia Dumer, Esq^{r}, at White Hall, signifying to us the death of our late most gracious Queen Ann, of happy memory, on the 1st of August last, in which he inclosed to us a London Gazette from July 31st to August the 3d, containing an account of the same, also that the Lords of the Privy Council did upon her death assemble at St. James and gave orders for proclaiming the most high and mighty Prince George, Elector of Brunswick Lunenburgh, King of Great Britain, France and Ireland, together with a copy of the proclamation which was thereupon made,

Ordered, that the death of her Majesty be solemnized by firing of guns at a minutes distance from each other, and other proper indications of sorrow on this mournful occasion, tomorrow in the forenoon.

Ordered, that tomorrow about noon the accession of his present Majesty King George to the throne of Great Britain, France and Ireland, be celebrated, and that for that end the regiment of this place be in arms, and the aforesaid proclamation read at the head of the regiment, drawn up in the great square before the court house.

[44] *Ordered*, that each souldier be allowed out of the publick stores, half a pound of powder on this occasion.

Ordered, that wine and biskett be provided for the regiment.

And for the preventing all disorders on so joyful an occasion, it is hereby ordered, that no bonfires or fireworks shall be made on the evening or night ensuing the reading of the said proclamation, but that, instead of those, illuminations be used as much more honourable signal of joy; and that the proper officers take effectual care to keep order in the streets the said ensuing night, and secure all such persons as shall be found to behave themselves in any riotous or disorderly manner.

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[301] *CONNECTICUT COLONY.*

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN, IN HIS MAJESTIES COLONY OF CONNECTICUT, IN NEW ENGLAND, ON THURSDAY, THE 14TH DAY OF OCTOBER, IN THE FIRST YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE, OF GREAT BRITAIN, &C., KING, ANNOQUE DOM. 1714, AND CONTINUED BY SEVERAL ADJOURNMENTS TO THE [30TH] DAY OF THE SAME MONTH.

Present at this Assembly were,

The Honourable Gurdon Saltonstall, Esq^{r}, Governour.
The Honourable Nathan Gold, Esq^{r}, Deputy Governour.

John Hamlin, Esq^{r},
William Pitkin, Esq^{r},
Peter Burr, Esq^{r},
Joseph Curtice, Esq^{r},
John Alling, Esq^{r},
Samuel Eells, Esq^{r},
Mathew Allyn, Esq^{r},
Joseph Talcott, Esq^{r},
Abram Fowler, Esq^{r},
John Sherman, Esq^{r},
Roger Wolcott, Esq^{r}.

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz:

Coll^{o} William Whiting, Capt. Aaron Cook, for Hartford.
Mr. James Rogers, Capt. John Hough, for New London.
Mr. Abram Brunson, Mr. Thomas Lee, for Lyme.
Mr. Symon Smith, for West Haddam.
Mr. Robert Lane, Mr. John Kelsey, for Kellingsworth.
Lt. Joseph Bradford, Lt. John Sprauge, for Lebanon.
Mr. Nathan^{ll} Yale, Mr. Samuel Cook, for New Haven.
Capt. Joseph Wakeman, Major John Burr, for Fairfield.
Lieut. Dan^{ll} Brewster, Ens. William Billing, for Preston.
Capt. Thomas Gates, for East Haddam.
Capt. Nath^{ll} Harrison, Lieut. Joseph Foot, for Branford.
Mr. John Fellowes, Mr. John Crary, for Plainfield.

[302] Mr. Sam[ll] Cheesbrough, Mr. Franciss West, for Stonington.
Mr. Zac. Baldwin, Lieut. Joseph Peck, for Milford.
Mr. Tho. Kimberly, Mr. John Hubbard, for Glassenbury.
Mr. John Stanly, Mr. Sam[ll] Porter, for Farmington.
Capt. James Bebee, Capt. Josia Starr, for Danbury.
Mr. Michael Tainter, Mr. James Newton, for Colchester.
Mr. John More, Dr. Sam[ll] Mather, for Windsor.
Mr. Sam[ll] Addams, Mr. Eleazar Brown, for Canterbury.
Mr. Thomas Judd, Mr. Ephraim Warner, for Waterbury.
Mr. Sam[ll] Peck, Mr. John Knap, for Greenwich.
Capt. Titus Hinman, Mr. Joseph Minor, for Woodbury.
Capt. Sam[ll] Hall, Lt. Joseph Dolitle, for Wallingsford.
Capt. James Judson, Mr. Benj[a] Curtice, for Stratford.
Mr. Jonath. Bell, Mr. John Stone, for Stanford.
Mr. Nathan[ll] Chapman, Mr. Dan[ll] Buckingham, for Seybrook.
Mr. John Riggs, for Derby.
Mr. James Wadsworth, Mr. Caleb Seward, for Durham.
Capt. John Fitch, Lt. Jonath. Crane, for Windham.
Mr. James Morgan, Mr. Sam[ll] Liester, for Groton.
Lt. Joseph Rockwell, Ens. W[m] Harriss, for Midletown.
Mr. Sam[ll] Cumstock, Mr. Joseph Platt, for Norwalk.
Mr. Thomas Holcomb, Mr. Joseph Case, for Symsbury.
Capt. Jos: Robbins, Mr. Ed[w] Bulkley, for Weathersfield.
Capt. Andrew Ward, Mr. Caleb Lett, for Guilford.
Capt. Rich[d] Bushnell, Lt. Joseph Becchus, for Norwich.
Mr. Tho. Huntington, for Mansfield.

Col[o] William Whiting, Speaker, } of the House of Repre-
Mr. Samuel Cook, Clerk, } sentatives.*

This Assembly do order a certain address to his Majestie King George, prepared and read to this Assembly, for the congratulating his accession to the throne of Great Britain, be sent by the first opportunity to his Majestie for that end.†

[303] This Assembly do establish and confirm Mr. John Hooker of Farmington to be Captain of the first company or trainband in the said town of Farmington.

This Assembly do establish and confirm Mr. Stephen Lee to be Lieutenant of the company or trainband at the village called the Great Swamp in the town of Farmington.

This Assembly do establish and confirm Mr. Isaac Norton of Farmington to be Ensign of the company or trainband at the village called the Great Swamp, in the town of Farmington aforesaid.

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* Jonathan Law was Clerk of the Upper House at this session.
† A copy of the Address is in Foreign Correspondence, I, 133.

This Assembly do establish and confirm Mr. Ozias Pitkin to be Captain of the company or trainband on the east side of Connecticut, in the town of Hartford.

This Assembly do establish and confirm Mr. James Rogers of New London to be Captain of the fourth company or trainband in the town of New London aforesaid.

This Assembly do establish and confirm Mr. Stephen Prentiss of New London to be Lieutenant of the fourth company or trainband in the town of New London aforesaid.

This Assembly do establish and confirm Mr. Thomas Crocker, jun^{r}, of New London to be Ensign of the fourth company or trainband in the town of New London aforesaid.

This Assembly do establish and confirm Mr. John Hopson of Guilford to be Lieutenant of the first company or trainband in the town of Guilford aforesaid.

Upon the petition of Thomas Leeds of Groton, representing his six months captivity with the Indians, his clothes being taken from him: This Assembly grant him the sum of five pounds, to be paid out of the publick treasury of this Colony.

Upon the petition of the inhabitants of the town of Greenwich to enable them to build a bridge over the river in the said town: This Assembly do appoint Peter Burr, Esq^{r}, Capt. Joseph Platt and Mr. Jonathan Bell, a committee to view the place in the petition proposed for the building a bridge, wheth-
[304] er || it be feasible, and what will be the charge thereof, and whether it will be an advantage for the country road as proposed, and is likely to conduce to the better agreement of the two parishes in Greenwich, viz. the Old Town and Horse Neck, and to report upon the premises to the General Assembly in May next, upon the charge of the said town of Greenwich.

This Assembly do establish and confirm Mr. Samuel Clark of Milford to be Ensign of the first company or trainband in the town of Milford aforesaid.

The gentlemen nominated by the votes of the freemen, brought in to this Assembly, to stand for Election in May next, are as followeth, viz: The Honourable Gurdon Saltonstall, Esq^{r}, the Honourable Nathan Gold, Esq^{r}, John Hamlin, Esq^{r}, William Pitkin, Esq^{r}, Joseph Curtice, Esq^{r}, Richard Christophers, Esq^{r}, Peter Burr, Esq^{r}, John Alling, Esq^{r}, Samuel Eells, Esq^{r}, Mathew Allyn, Esq^{r}, Joseph Talcott, Esq^{r}, Abraham Fowler, Esq^{r}, John Sherman, Esq^{r}, Roger Wolcott, Esq^{r}, Mr. John Hooker, Mr. Jonathan Law, Capt. Richard Bushnell, Mr. Warham Mather, Mr. John Eliot, and Col^{o} William Whiting.

Upon the petition of Mary Lyon, alias Kellogg, administratrix on the estate of her late husband, Andrew Lyon, of Norwalk, deceased, for power to sell some of her husbands lands for payment of his debts: This Assembly do hereby impower the said administratrix to sell so much of the said deceast Andrew Lyons land as may discharge the sum of ten pounds eighteen shillings and five pence, with the approbation of the court of probates in the county of Fairfield first had and obtained.

This Assembly do allow of the inhabitants of the West Farms in Fairfield to imbody themselves into a church estate.

This Assembly appoint Capt. Richard Bushnell, Deacon [305] || James Morgan and Mr. Nehemia Smith, a committee to renew the bounds of the land called Bartlets Land, belonging to the school of New London, at the charge of the town of New London, the parties adjoyning to said lands having notice to be present.

This Assembly, upon the petition of Ebenezar Fitch of Windsor for a grant and confirmation of a tract of land containing six hundred and fifty acres, given to him by his father, Major James Fitch, lying at the upper or north end of Canterbury, do order a quit claim and release of all the Colonies right, title and interest in and to the said land, be made under the seal of this Colony to the said Ebenezar Fitch and his heirs and assigns forever.

This Assembly observing the abuses of a certain clause in the law, title Militia, in the first paragraph thereof, viz. Producing certificate thereof from two able chirurgeons: For the prevention whereof,

Its resolved by this Assembly, That a certificate under the hands of two chirurgeons shall not for the future be sufficient to exempt any person or persons from military service, as training, watching and warding, and the like, without the consent and approbation of two of the commission officers of the respective companies whereunto the persons seeking dismission appertain, or of the major of the county within which they dwelt, first had and obtained; and that any person or persons released heretofore, or supposed to be released by such a certificate, without the military officers approbation as aforesaid, shall not for the future be exempted from such military service as aforesaid, until such approbation be first had and obtained, any law, custom or usage to the contrary notwithstanding.

Liberty and full power is granted by this Assembly to Ann Allyn, relict of Benjamin Allyn, late of Windsor, deceased,

with the concurrence and approbation of the worshipfull Mathew Allyn, Esq^r^, to sell so much of the said Benjamin [306] Allyns land || as shall amount to a sufficient sum for the payment of the just debts of the said Benjamin Allyn, which she shall make to appear, and obtain the allowance of by the court of probate in the county of Hartford, deducting so much as the whole moveable estate, (excepting only necessary utensils for house keeping,) and the money for which three acres and a little more was sold for, by the allowance of the Assembly in May, 1713, and to duly execute sufficient conveyances for the same.

This Assembly do establish and confirm Mr. Robert Wells of Weathersfield to be Lieutenant of the troop in the county of Hartford, and that he [be] commissioned accordingly.

Whereas the General Assembly held at Hartford, October 13th, 1687, granted Humphrey Davy, Esq^r^, and Mrs. Sarah Davy, deceast, four hundred acres of land, and appointed Mr. James Steel and Capt. Cyprian Nickols, a committee to lay out the same, which said committee have omitted to do: This Assembly, upon the motion of Mr. Humphrey Davy, only child surviving of the said Humphrey and Sarah Davy, that the said four hundred acres may be laid out to him, do order and appoint any one of the county surveyors to lay out the said four hundred acres of land to the said Humphrey Davy; provided he take it up where it may not prejudice any former grant to any plantation or particular person.

An Act for Confirmation of certain Mines, Minerals, &c., to Jonathan Belcher, merchant, and partners.

Whereas Mr. Jonathan Belcher, of Boston, within his Majesties Province of the Massachusetts Bay, merchant, on behalf of [307] himself and partners, hath laid before this Court || three several instruments, indented, containing articles of agreement and lease, that is to say: One bearing date the twentieth day of May, 1712, expressed to be made between Joseph Moss of Derby, Samuel Whittelsey, John Merriman, Thomas Curtiss and John Hall, gent^m^, freeholders and inhabitants of Wallingford, within the county of New Haven, impowred a committee, agents or attorneys, for and by the ancient inhabitants and proprietors of lands within the said town of Wallingford, on the one part, and William Partridge of Newbury, Esq^r^, and the said Jonathan Belcher, of the other part, containing a grant and lease to the said William Partridge and Jonathan Belcher, their executors, administrators and assigns, of the sole use and benefit and improvement of all mines and minerals, of what nature, kind or quality soever, (iron mines

only excepted,) already found and discovered, and hereafter to be found and discovered, lying within the township of Wallingford aforesaid, and in all and every part and parcel thereof: to hold, use and improve the same, for, by and during the space of eight years certain, from the date of the said lease, and for such further and longer time and term of years, from and after the expiration of the said eight years, as the said grantees, their executors, administrators or assigns, shall think fit, and be pleased, to use and improve the same, not exceeding five hundred years in the whole, for and under the considerations, payments and reservations therein mentioned and expressed, relation thereto being had will more fully appear. A second, bearing date the fifteenth day of October, 1712, express'd to be made between John Higley, sen^{r}, Samuel Humphrey, sen^{r}, Thomas Holcomb, sen^{r}, Joseph Phelps, sen^{r}, Samuel Wilcockson, sen^{r}, and Joseph Case, freeholders and inhabitants of Symsbury, within the county of Hartford, impowred [308] || a committee, agents or attorneys for and by the proprietors of the mines and minerals within the said town of Symsbury, on the one part, and the aforenamed William Partridge and Jonathan Belcher, and Timothy Woodbridge, jun^{r}, of the said town, of the other part, containing a grant or lease to the said William Partridge, Jonathan Belcher and Timothy Woodbridge, their executors, administrators and assigns, of the sole use and benefit and improvement of all mines and minerals, of what nature, kind or quality soever, (iron mines only excepted,) already found out and discovered, and hereafter to be found and discovered, in all and every part and parts of the common and undivided lands within the township of Symsbury aforesaid, for, by and during the space of eight years certain from the date of the said lease, and for such further and longer time and term of years, from and after the expiration of the eight years aforesaid, as the said grantees shall think fit, and be pleased to use and improve the same, not exceeding the space of thirty year in the whole, for and under the considerations, payments and reservations therein mentioned and expressed, relation thereto being had, will more fully appear. The third, bearing date the eighth day of November, 1712, expressed to be made between Captain Thomas Hart, Mr. John Hooker, Lieut. Samuel Wadsworth, Serj. John Wadsworth, and Jonathan Smith, sen^{r}, freeholders and inhabitants of Farmington, within the county of Hartford aforesaid, impowred a committee or agents by and for the said town of Farmington on the one part, and the aforenamed William Partridge and Jonathan Belcher of the other part, containing a grant or lease to the said William Partridge and Jonathan

Belcher, their executors, administrators and assigns, of the sole use, benefit and improvement of all mines and minerals, of what nature, kind or quality soever, (iron mines only excepted,) already found out and discovered, and hereafter to be [309] found and discovered, in all || and every part and parts of that land, lying in the bounds of Farmington aforenamed, not yet granted to any particular person or persons, or publick use, commonly known by the name of the Sequestred Land, that is to say, all the land the propriety whereof lyeth in common to the inhabitants of the town of Farmington aforesaid, for, by and during the full time and term of eight years certain, from and next ensuing the date of the said lease, and for such further and longer time and term of years, from and after the expiration of the eight years aforesaid, as the said grantees, their executors, administrators or assigns shall think fit, and be pleased to use and improve the same, not exceeding the space of sixty eight years in the whole, for and under the considerations, payments and reservations therein mentioned and expressed, relation thereto being had, will more fully appear. And the said Jonathan Belcher on behalf of himself and partners respectively, aforenamed, having made application to the Governour and Company for their allowance and approbation of the three several grants or leases afore recited: upon perusal and consideration whereof,

Be it enacted and declared by the Governour and Company in General Court assembled, and by the authority of the same, That so far as it concerns them, and as far as their power extends thereto, the three several aforerecited grants or leases, and each of them, with the mines and minerals therein expressed to be demised and granted, and the priviledges and appurtenances, be and are accordingly approved, ratified and confirmed to the grantees or lessees, therein respectively named, and their assigns, for and during the time and term in the said instruments respectively mentioned and expressed, and under the conditions, payments and reservations therein severally contained, they also yielding and paying therefor yearly to his Majestie, his heirs and successors, the fifth part [310] || of all gold and silver oar and precious stones, which from time to time, and at all times hereafter, shall happen to be found, gotten, had and obtained, within the aforesaid demised premises, or in any part or parcel thereof.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said Jonathan Belcher and partners, to enroll, or cause the aforerecited three several instruments of grant and lease to be enrolled, and made of

record in the publick records of this his Majesties Colony and government.

This Assembly do establish and confirm Mr. Thomas Huntington of Mansfield to be Captain of the company or trainband in the town of Mansfield aforesaid.

This Assembly do establish and confirm Mr. William Hall of Mansfield to be Lieutenant of the company or trainband in the town of Mansfield aforesaid.

This Assembly do establish and confirm Mr. John Sergeant of Mansfield to be Ensign of the company or trainband in the town of Mansfield aforesaid.

This Assembly do establish and confirm Mr. James Wadsworth of Durham to be Captain of the company or trainband in the town of Durham aforesaid.

Upon application made by John Punderson and Sarah Osborn, representing that Mr. Jeremia Osborn, late of New Haven, deceased, having signed and sealed a deed bearing date the 3d day of February, $170\frac{2}{3}$, conveying to him the said Punderson, for the use of the said Sarah Osborn, a certain piece or parcel of meadow land, near the west bridge, in the town of New Haven, aforesaid, and that the said deed being lawfully witnessed, the said Jeremia Osborn died before he had [311] compleated the deed by || a lawful acknowledgment of it,—pray'd an act of this Assembly to supply that defect; and one of the witnesses subscribing in said deed, viz. John Wolcott, being produced in court, made oath before the Assembly, that he saw the said Jeremia Osborn sign, seal and deliver the said deed to the said Punderson, and that he signed as a witness, and that he saw the other witness sign unto the said deed at the same time; which was ordered to be indorst upon the said deed and signed by the Secretary.

Be it thereupon enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said deed be taken as good and effectual to all intents and purposes in the law, as it might or could have been if the said deed had been acknowledged by the grantor as the law directs; and that this act indorst upon the said deed shall be signed by the Secretary, and received as a good, sufficient testimonial of the authentication of the said deed.

This Assembly do establish and confirm Mr. James Lewis of Stratford to be Lieutenant of the second company or trainband in the town of Stratford aforesaid.

This Assembly do establish and confirm Mr. Edmund Lewis to be Ensign of the second company or trainband in the town of Stratford.

Capt. Richard Bushnell, Capt. John Fitch, and Capt. John Hough, or any two of them, are by this Assembly appointed a committee to enquire into the bounds of the town of Hebron, at the charge of the said town, and to make report to this Assembly in May next.

Upon the petition of Simeon Stoddard, Esq^{r}, of Boston: This Assembly order that the Governour and Secretary do, in behalf of this corporation, sign and execute a quit claim to the said Simeon Stoddard and his heirs forever, of and to two tracts of land within this Colony, and both of them partly in the town of Pomfret, and one of them partly in the town of Ashford, bounded as followeth, that is to say: the one containing 10240 acres, bounded four miles east by Pomfret, and [312] four miles north by waste land, and four miles west || by waste land, now Ashford, and four miles south by Windham and Mansfield; the other containing 2600 acres, bounded as follows, beginning at the southwest corner of Roxbury purchase, then running two miles and ten perch by Windham land to a white oak, then east two miles by waste land to a white oak, and then north two miles and ten perch by waste land, and then two miles west by Roxbury purchase.*

Upon the petition of the inhabitants of the town of Ashford, praying for some further settlement: It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,

1. That the inhabitants of the said town, that now are settled there or hereafter may be, shall have liberty to meet and choose a clerk and selectmen, with other officers for carrying on the prudential affairs of the place, and for settling and maintaining a minister, and building a meeting house, as in other towns.

2. That the inhabitants of the said town shall forthwith, at their own charge, procure the surveyor of the county of Hartford to lay out the bounds of the said town to the quantity of eight mile square, according to the grant of this Court.

3. That all persons that have any right to any land in the said town of Ashford at this present time, shall pay towards the building of a meeting house, ministers house, and settling of a minister there, the sum of twenty shillings for every hundred acres of land they claim within the said town, and so proportionably for greater or lesser quantities, to be levyed by a

* These parcels of land were taken on execution against Major Fitch, August, 1695, by Mr. Stoddard. *Ante*, Vol. 4, 148. Colony Record of Deeds, &c. II. 221.

rate made by the selectmen of the said town within one year and an half from the date of this act, collected by the constable of the said town and paid to the committee hereafter in this act appointed, or such person or persons as they shall appoint to receive the same; which committee shall determine the place [313] of the said meeting house || in the most convenient place of the said town, and take care that the money so raised shall be improved to the use hereby appointed, with all the speed that may be; and in default of payment of the said rate by any person or persons, execution shall go upon the lands of such person or persons within the said town, if no other estate belonging to them be found within the precincts of the said town, sufficient for the payment thereof.

4. That each claimer of land in the said town of Ashford, as aforesaid, do, within one year after the date of this act, make an entry of the deeds, instruments or records of any sort, by which they claim the same, in a book to be provided by the said town for that purpose, and kept by the clerk of the said town, in order the better to shew each persons just proportion of the tax upon lands by virtue of this act raised, and for the better enabling the said committee to execute the trust reposed in them by this act.

5. That all the lands within the said town not claimed and entered as aforesaid, (except such as are claimed by a grant or quit claim from this government,) be and remain at the disposition of the government, to be given in suitable portions by the said committee, to such persons as within two year and an half from the date hereof shall go and settle themselves by building thereon.

6. That what shall be further necessary for the abovementioned pious uses shall be levyed upon the heads and rateable estates of all inhabitants that are or shall be within the said town within the term aforesaid of two years and an half, to be levyed and collected as in other towns, and paid to the committee as aforesaid, or such person or persons as they shall appoint to receive the same, to be improved by them to the said uses, with all convenient speed.

7. That William Pitkin and Joseph Talcott, Esq^{rs}, and Capt. Aaron Cook and Mr. Edward Bulkley, or any three of them, be a committee of this government, to take care of the affairs committed to them by this act; who shall be paid for the service they do therein either out of the said tax, or as the committee and the said town or inhabitants thereof shall agree otherwise.

8. That the brand for the horses of the said town shall be the figure **3**.

[314] An Act in addition to the law intituled Highways, Fol. 49, paragraph the 2d.

This Assembly observing the inconveniency attending the execution of the thing proposed in the said paragraph of the said law, by reason of there being no way appointed for the satisfying the charge arising thereupon,

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when and so often as the county courts in any of the several counties in this Colony shall, pursuant to the said clause in the aforesaid law, appoint a committee or jury, or both, to lay out any new highway, or alter an old one, that the charge in doing the same shall be allowed by the said county court, and the said court shall order the charge of that part of the highways which shall ly within the bounds of any town to be paid by the said town in whose bounds it shall be laid, and upon their neglect to make payment thereof to the persons to whom the said charge or any part thereof shall be so ordered, the said court shall send forth a scire facias against the said selectmen to shew cause wherefore execution should not be awarded against them, and upon their neglect to shew sufficient cause, shall award execution against them for the charges aforesaid, with additional costs. And further, the said county court are hereby impowred to order the charge of such highways which happen either in whole or part to be out of the limits of any town bounds, to be paid out of the Colony treasury.

Resolved by this Assembly, That the surveyor of the county of New London, upon the motion and at the charge of the town of Canterbury, run the east bounds of the said town, viz. from the center of the island called Pigscumsuck a due east line one quarter of a mile, and from thence a straight line to the south bounds, to fall upon the south bounds within a mile eastward from Quinnebaug River, pursuant to the agreement of the inhabitants of the east and west sides of the town of Plainfield made in December 24th, 1702, and compleat the same and make return thereof, as well as of the other lines of said town ordered to be run by the said surveyor, by the General Assembly in May last, unto the General Assembly in May next.

This Assembly appoint Mr. Edward Bulkley of Weathersfield to be Justice of the Peace for the county of Hartford.

[315] John French, junr, John Grave, junr, John Willcox and John Doud, making complaint to this Assembly that Lieut. Stephen Bishop, Ens. Jannah Meigs and Serjt Thomas Crettendon were not fairly chosen to be Captain, Lieutenant

and Ensign of the company or trainband of East Guilford, some persons putting in more votes than one apiece, were by order of this Assembly sent for and heard in their complaint. Whereupon this Assembly order, that the said officers shall be established in their several offices, and that the said complainants shall pay the cost and charge occasioned by their complaint, which is allowed to be 2*l.* 1*s.* 11*d.*, and that execution be granted for the same by the Secretary. *Cost paid.*

An Act for the Encouragement and Better Improvement of Town Schools.

Forasmuch as the upholding and good ordering of the schools erected in towns by order of this Assembly, and partly maintained out of the publick treasury, is of great importance to the publick weal, and the neglect thereof will be the occasion of much ignorance, disorder and prophaneness.

Be it therefore ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the civil authority, together with the select men in every town, or major part of them, shall inspect, and they are hereby directed and impowred, as visitors, to inspect the state of all such schools as are appointed in the said town from time to time, and particularly once in each quarter of the year, at such time as they shall think proper to visit such schools, and enquire into the qualifications of the masters of such schools, and their diligence in attending to the service of the said school, together with the proficiency of the children under their care. And they are hereby further required to give such directions as they shall find needful, to [316] render such schools || most serviceable to the increase of that knowledge, civility and religion, which is designed in the erecting of them.

And it is further enacted, That if, in this inspection of the said schools, the said inspectors observe any such disorders, or misapplication of the publick money allowed to the support of such schools, as render the said schools not so likely to attain the good ends proposed, they shall lay the same before this Assembly, that the proper orders in such cases necessary may be given.

Whereas this Assembly formerly appointed Col^{o} William Whiting, Capt. Cyp. Nickols and Caleb Stanly, to lay out six hundred acres of land granted to the grammar school in Hartford, October 8th, 1702, and one of the said committee is dead: This Assembly do appoint William Pitkin, William Whiting, Esq^{rs}, of Hartford, and Mr. Nathaniel Burnham of Weathersfield, to be a committee, they or any two of them, to lay out

the abovesaid land to the town of Hartford, according to the abovesaid grant.

Resolved, That all petitions upon controversall matters to the General Assembly, upon which any persons are cited to answer to the complaint in such petition as being party concerned therein, may for the future be preferred, brought to and heard, in the General Assembly to be holden at Hartford in May annually, any former resolve or custom to the contrary notwithstanding.

Upon the petition of Mercy Frisby of Branford: This Assembly do impower the said Mercy Frisby to compleat certain bills of exchange for salt marish with Caleb Frisby, for other lands; which exchange was agreed upon between her late husband, Ebenezar Frisby, deceased, and the said Caleb Frisby, and the instruments for that end drawn and not signed.

[317] John Pringles petition for power and authority to sell the house and home lot of his deceased son, John Pringle, of Derby, as administrator on the estate of his said son, for the payment of his said sons debts, was granted; and the said petitioner is hereby impowred to make sale thereof, for the purpose aforesaid, with the advice and approbation of the court of probates in the county of New Haven.

This Assembly appoint the surveyor of lands in the county of New London to run and state the bounds anciently granted to the people of Quinnebaug by the name of Plainfield, since divided into Plainfield and Canterbury, viz. butting southerly on Preston and Norwitch, running ten miles, and eight miles west on Windham, according to the grant of this Assembly, May the 19th, 1699; provided that the towns butting thereon be duly notifyed to attend upon that affair if they see cause, and that the charge of the same be paid by Major James Fitch.

This Assembly appoint Richard Christophers, Esq^{r}, and Peter Burr, Esq^{r}, Mr. John Hooker and Mr. Samuel Bishop, to audit the Colony's account with the treasurer, and to return the same to this Assembly in May next.

Whereas there is, between the towns of Canterbury and Pomfret, a tract of land, being exactly two miles in breadth, as appears by the survey of the same made by Mr. John Plumb surveyor of the county of New London: Ordered, that the said tract of land be equally divided by a line to be stated by the said surveyor, from the east to the west side of it, and the northern part of the said tract so divided shall belong to the township of Pomfret, and the southern part of it to the township of Canterbury. The surveyor to be paid equally by the said towns.

Cost allowed to John Read, for his attendance this Assembly upon citation to answer the petition of the inhabitants of Stanford is 1*l.* 1*s.* 6*d.* *Execution granted December* 3*d*, 1714.

[318] The sum total of the Lists of the respective towns brought into this Assembly by the Deputies. The total of the list of

	l.	*s.*	*d.*		*l.*	*s.*	*d.*
Hartford, is	20629	9	0	Norwich,	11747	3	0
New London,	10269	6	6	Stonington,	7490	6	6
Lebanon,	7330	0	0	Waterbury,	2070	11	0
Weathersfield,	14779	7	9	Plainfield,	2934	0	0
Norwalk,	7474	7	6	Durham,	2515	17	3
Milford,	13809	10	6	Windham,	4996	16	0
Windsor,	16100	6	0	Danbury,	3643	9	0
Stratford,	13999	6	4	Derby,	2979	6	6
Glassenbury,	3549	6	6	Symsbury,	4159	19	6
Lyme,	7866	0	0	West Haddam,	3061	18	0
Mansfield,	2418	14	8	Stamford,	8926	7	3
Killingsworth,	4192	19	6	Woodbury,	4434	0	0
Wallingsford,	8495	3	0	Colchester,	5160	5	0
East Haddam,	4332	18	0	Canterbury,	2592	2	6
Branford,	7235	6	2	Midletown,	11071	12	0
Farmington,	9802	16	0	Groton,	9015	7	0
Stonington,	7490	6	6	Addition to Woodbury, returned May, 1715,	109	9	0
Seybrook,	8172	12	3				
Greenwich,	5286	0	0				
Preston,	5236	8	6	Assessments returned from Groton, June 4th, 1715, due to the inspectors, money, 6*l.* 2*s.* 11*d.*			
Addition to Glassenbury,	377	7	0				
New Haven,	17205	4	3				
Fairfield,	16589	2	3				
Guilford,	12277	11	1				

Whereas the list of the town of New Haven is found by this Court not to be given according to law, the inhabitants of the village on the east side, called East Haven, having not given the list of their estates to the listers of said town as the law directs, but only an imperfect account of the said villages estate, under the hands of persons chosen by the said village, contrary to the order of this Court,

Resolved, That the inhabitants of the said village shall, within ten days after this time, give in a true list of all the ratea-
[319] ble estate of the said inhabitants of said village || unto one or more of the listers of said town; and the same, being signed by said listers of New Haven, shall be by them trans-

mitted to the Secretary of the Colony, to be by him added to the list of said town; and if the said inhabitants of said village, or any of them, shall neglect or refuse to give in a true list of his or their estate within the said time, such as shall so neglect shall be proceeded against as the law directs for not listing their estates in the month of August; and that Jonathan Mansfield, constable of New Haven, is hereby ordered to notify the said inhabitants hereof.

An Act for the Regulating the Ferry at New Haven.

This Assembly, upon consideration of the petition [of] Eliphalet Pardee of New Haven, order that no person or persons whatsoever shall at any time hereafter transport or carry over any persons or horses over the ferry at New Haven, at any other place than where the said ferry hath for many years last past been kept, either above or below, upon pain of forfeiting two shillings for every person, and three shillings for every horse so transported contrary to the intent and meaning of this act; to be recovered of the person or persons so transporting, either by themselves, children or servants under their care, before any one assistant or justice of the peace. one half of the said forfeiture to be to the complainer that prosecutes his complaint to effect, and the other half to the keeper of the said stated ferry. Provided this be not construed to the prejudice of any person or persons in New Haven, transporting themselves or others their neighbours in the said town, over the said ferry, upon their ordinary occasions, where it is most convenient for them.

Upon the petition of Capt. Samuel Wells, this Assembly remits to the petitioner 4*l.* 4*s.* 8*d.* the countrys part of the forfeiture recovered against him by the inspector of Glassenbury, by a judgment of county court held at Hartford the 8th day of June last past.

[320] This Assembly do establish and confirm Mr. Daniel Brainerd to be Captain of the company or trainband in the town of East Haddam.

This Assembly do establish and confirm Mr. James Bates of Haddam to be Lieutenant of the company or trainband on the east side in the town of Haddam aforesaid.

Upon the motion of Thomas Kimberly, this Assembly appoint Roger Wolcott, Esq^{r}, Mr. John Plumb of New London, and Mr. George Kilborn of Weathersfield, or any two of them, a committee to run a line agreed upon by committees from the town of Glassenbury and the town of Hebron, for the east bounds of said Glassenbury and west bounds of said Hebron, upon the charge of the said Thomas Kimberly, and make re-

port thereof to this Assembly in May next, and that Nathaniel Dunham and Ebenezar Wilcox of Hebron be duly notifyed to attend upon the running of the said line, if they see cause.

Whereas by an act passed by the General Assembly of this Colony holden at New Haven October 13th, 1709, intituled An Act for making and emitting of bills of publick credit, the sum of eleven thousand pounds in the said bills was emitted, which have been since paid out of the treasury for the satisfying the debts of the Colony: And whereas the said Assembly, for the repayment and drawing in the said bills to the treasury again, by their act did grant a tax or rate of twelve thousand pounds, as money, to be levyed on polls and all rateable estate within this Colony, within the space of six years next ensuing the date of the said act, and so much thereof in each of the said six years as this Assembly should after order and appoint,

It is now ordered and enacted by this Assembly, That for the drawing in the remaining part of the said bills into the treasury of this Colony, shall be levyed and collected, as the re- [321] maining part of the said tax or rate granted || as aforesaid, the sum of two pence on the pound, on the polls and all the rateable estate within this Colony, or in money as it shall generally pass in New England at the time of payment, as is provided in an act passed by the General Assembly of this Colony holden at New Haven August 4th, 1710, intituled An Act in addition to and for repealing one clause or paragraph in the act made and passed by the General Assembly of this Colony begun and held at Hartford, May the 11th, 1710, intituled An Act for the better regulating and giving a more effectual currency to the bills of credit.

Whereas William Pitkin and Joseph Talcott, Esq^{rs}, a committee for drawing out of the treasury the dead stock of bills that were drawn in by the constables in several rates, in the years past, did under their hands signify to this Court, that they had drawn out of the treasury June 25th, 1714, 5500*l.* of the abovesaid dead stock of bills, and also six five shilling bills altered to 40*s.*, five 2*s.* 6*d.* bills altered to 40*s.*, and four 3*s.* bills altered to 40*s.*; and that on the 26th of June, 1714, they drew out of the hands of Mrs. Mary Haynes of Hartford, 975*l.* 3*s.* 0*d.*, of the abovesaid dead bills, among which they found two counterfeit bills of 40*s.*, and that they have given receipt of said bills to the treasurer and Mrs. Haynes; and that they did on the 26th of June, 1714, utterly destroy the whole of the abovesaid bills, except the counterfeit bills abovesaid, in the presence of Capt. Aaron Cook, Lt. Samuel Webster, and Ens. John Marsh: This Court do accept of the above account and

doings thereupon, and discharge the abovesaid committee of the premises, and they are hereby discharged and acquitted.

Upon the report made to this Assembly by William Pitkin and William Whiting, Esq^rs, commissioners on the part of this government for stating the line between this Colony and Massachusetts Province, according to an agreement made between the commissioners of the aforesaid Colonies: It is resolved by this Assembly and the authority of the same, that the commissioners mentioned in said agreement be continued for the space of one year after this date for the adjusting and settling the affairs of the line aforesaid, in settling equivalents for the lands on the south side of the line, which are claimed by particular persons whose claims were not known to the said commissioners at the time of the said agreement.

Resolved also by this Assembly, That the Governour and [322] Council, pursuant to an order of this Court, || do give such orders as they shall judge meet for the surveying and laying out the equivalents to the northward of our line in the Massachusetts Province, according to agreement, that is to say, according to the distance of the land from the sea, and the goodness thereof, as well as the quantity which shall be taken in exchange.

It is also further resolved by this Assembly, That Col^o William Whiting, Capt. James Wadsworth, Capt. Joseph Wakeman, and Capt. James Rogers, be a committee to endeavour to provide chapmen to purchase the said equivalents, and make return to the next Assembly at what rate they can dispose of them.

And it is further ordered and resolved, That the gentlemen of this Assembly and of this Colony shall be admitted in the first place to purchase them, or such part of them as the Assembly in May next shall order.

Upon the petition of Margarett Graves, administratrix on the estate of her late husband, Joseph Graves, of Guilford, deceased, to sell so much of her said husbands lands as will pay a debt of five pounds seventeen shillings and six pence, and so much more as the necessary utensils for the widows housekeeping, which the court of probates for the county of New Haven shall assign to the said widow, according to their apprizal in the inventory do amount to: This Assembly do fully impower the said administratrix to make sale of so much of her said husbands lands as shall amount to a sum sufficient to pay the said debts, and so much more of her said husbands debts as the said utensils, to be allowed by the said court of probates, shall amount to, and no more.

Upon the memorial of the Council at Norwich: It is resolved by this Assembly, that the inhabitants of the town of Norwich, in compliance with their agreement with Mr. Woodward, shall pay to the said Mr. Woodward, 70*l.* in pay and 15*l.* in money, viz. that part agreed to be paid in country pay, wheat at 5*s.* 6*d.* per bushel, Indian corn at 2*s.* 6*d.* per bushel, rye at 3*s.* 6*d.* per bushel; always provided that any of the said inhabitants shall have liberty to pay his or their part or proportion of said salary in money, which shall be accepted in lieu of grain. This act to extend only to the currant year.

Resolved by this Assembly, That the matter relating to the line between this Colony and Rhode Island, be suspended until further order of this Assembly.

[323] This Assembly grant unto the Hon^ble^ the Governour two hundred pounds; to the Hon^ble^ the Deputy Governour, fifty pounds; to the Treasurer, sixty pounds; to the Secretary, eight pounds; to be paid out of the Colony treasury, for their good service to the government this currant year, beginning in May last.

This Assembly grant unto Col^o^ William Whiting, Speaker of the Lower House, thirty shillings; and to Mr. Samuel Cook, Clerk, twenty five shillings, for their good service in those posts this sessions.

Upon the petition of Daniel Lester, of New London, administrator on the estate of his deceased son, to sell a piece of said deceased sons land for the payment of his debts: This Assembly do impower the said administrator to sell the said land, with the approbation of the court of probates for the county of New London.

This Assembly impower the Hon^ble^ the Deputy Governour and Secretary, in the name of this Court, to sign and affix the seal of this Colony unto patents to be made unto the Hon^ble^ the Governour, of such lands within this Colony he holdeth by virtue of any grant or grants from this corporation.

This Assembly do fully impower and authorize the Governour, and in his absence the Deputy Governour, with two assistants and three judicious freemen, to manage the publick affairs of the government according to charter, in the intervals of the General Assembly; [and] that Daniel Wetherell, Esq^r^, be in the room of one of the said assistants. Always provided, that the Governour and Council are not hereby impowred to raise moneys or send men out of the government.

This Assembly desire and authorize the Hon^ble^ the Governour and Council, or such as they appoint, to collect all the laws

of this Colony, now in force, into one body, and cause them to be printed accordingly, as soon as may be, with an alphabet thereunto annexed, and such number of the copies thereof [to] be printed as that they may be distributed after the rate of five copies to every thousand pounds in the present list, of which one for every town shall be bound; and that the Governour [324] and Council take order that every || towns proportion in the said copies be sent to the selectmen of the respective towns in this Colony, to be by them distributed among their inhabitants, according to the abovesaid proportion.

Upon the petition of the town of New Town, for further encouragement in their settlement,

It is resolved and ordered by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all the proprietors of farm lands or farms granted to persons before the grant made to the petitioners for the settlement of the said town, lying within the limits of the said town, shall pay a tax unto the said town, towards the defraying the charges of the said town, of one penny per acre for all such farm land as the proprietors thereof hold or claim in the said town, annually for four years, the said four years beginning in October, 1713. And this Assembly do fully impower the several collectors that have since the time aforesaid, and now are, and hereafter shall be chosen by the inhabitants of the said town, to demand the said tax, from time to time as the same is and shall become due, from any person or persons in any part or place of this Colony; and if any person or persons from whom any part of said tax is or shall be due, and shall refuse or neglect to make payment of his or their proportion upon the demand of any of the said collectors, that then such collector or collectors shall repair to some assistant or justice of the peace within the county where the owner of such farm does or then shall dwell, who shall grant a writ directed to the constables of the town where such persons do inhabit, and the said constable shall repair to such person or persons, and demand of him or them the said tax, and upon his or their refusing or neglecting upon such demand made by said officer, that then the said officer shall proceed against all such persons, as the law directs for the collecting of town rates; and when the said constable hath collected said tax or any part thereof as abovesaid, he shall deliver the same to the collector or collectors of said town. And the form in the law for collecting town rates is hereby directed to as a proper form in this case; always provided, that this act be placed as a preamble thereunto.

And it is further enacted by this Assembly, That the several persons who lay claim to petition rights in the said town of [325] New Town ‖ and have hitherto neglected to settle upon the said rights, according to the condition of the grant of this Court, are hereby, notwithstanding their neglect aforesaid, allowed three years after this date to settle the said rights by themselves or other persons who shall be approved and allowed of by said town, with this proviso, that the said claimers shall for each right by them claimed as abovesaid, pay the sum of five pounds money per annum unto the selectmen of the said town, for the use of the said town, for each and every of the said three years, including all taxes that are or hereby may be supposed to be laid on the said land during the three years aforesaid, unless any such right be settled upon as abovesaid before the said three years be near expiring, in which case a proportionable part thereof shall be abated, they always paying five pounds per annum, according to the time it remains unsettled within the said three years. And it is hereby further provided, that if any such claimers shall pay and settle as abovesaid, that then he or they and every of them shall have a good right to their said claimed lands, and the same possess and enjoy as his and their own estate, but if not, shall forfeit their said claimed rights unto the said town. And further, it is hereby ordered that the said town of New Town be annexed to the county of Fairfield.

Whereas Col° Mathew Allyn and several other gentlemen have been heretofore appointed to lay out the town of Ashford, and did proceed a considerable way in said work, and hitherto have not received any thing in way of recompence for their labour, time and expence in that service: Be it enacted by this Assembly and the authority of the same, that Col° Mathew Allyn, instead of the county surveyor, be imployed to perfect the laying out the said town bounds according to the grant of this Court in Hartford in the year 1710; and that the gentlemen with Col° Allyn for the aforesaid services they have done, and that the said Col° Allyn for the after services he is now appointed to do, shall have their recompences out of the rate to be raised upon the inhabitants of the said town of Ashford for payment of publick charges, as by an act of this Assembly at this sessions sheweth.

Cost allowed to Joseph Keeny, for attendance at this Assembly upon citation to answer the petition of Thomas Wadsworth, is 1*l*. 12*s*. 3*d*. *Execution granted December 27th*, 1720.

[326] Whereas the treasurer hath certifyed this Court that there is not any quick stock in his hands to pay the arising

debts of the government, for printing the laws, &c.,—Resolved, that a bill be prepared for emitting 1000*l.* in bills.

Whereas Jeremia Dummer, Esq^r^, of Boston, has been for some time improved to take in the small torn bills of credit of this Colony, and give new in exchange for them: Ordered, that for the time to come no person shall be imployed in that service at Boston, till the further order of this Assembly, and that the committee for signing bills, or any two of them, do, as speedily as may be, make up with Mr. Dummer, his account in that service, and advise him of this order not to continue the said exchange.

This Assembly order that the selectmen of the town of Kellingley shall take care that a list of polls and rateable estate in the said town be forthwith made and returned to the Secretary, at or before the 20th of December next.

Cost allowed Richard Goodrich, for his attendance at this Assembly upon citation to answer the petition of Dorothy Treat, the sum of 1*l.* 0*s.* 8*d.*

Cost allowed Dorothy Treat, for attendance this Assembly upon citation to answer the petition of Ephraim Goodrich, the sum of 0*l.* 14*s.* 8*d.*

This Assembly grant Mr. Jonathan Mansfield, constable, for tending six days upon this Assembly, at 3*s.* per diem, 0*l.* 18*s.* 0*d.*

This Assembly grant to Mr. Jeremia Atwater, constable, for tending seven days at 3*s.* per diem, 1*l.* 1*s.* 0*d.*

Resolved by this Assembly, That the treasurer do continue to exchange the bills of credit of this Colony according to an act for that end made and passed at the General Assembly holden at Hartford the 14th day of May, 1713, and that he continue so to do until the first day of June next.

[327] Whereas this Assembly hath enacted that a certain number of bills of credit on this Colony, for the sum of twenty thousand pounds, shall be forthwith emitted and delivered to the treasurer by a committee appointed,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said treasurer be and is hereby ordered and impowred to issue forth and emit the sum of one thousand pounds of the said bills towards the payment of the publick debts of this Colony and the further necessary charges thereof, according to such orders as shall be given him from time to time according to law.

And be it further enacted, That as a fund or security for the repayment and drawing in of the said bills into the treasury again, this Assembly grants a tax or rate of one thousand and fifty pounds, to be levyed on polls and all other rateable estate within this Colony, and to be paid into the treasury at or before the first day of May, 1717; which said rate shall be paid in the bills of credit of this Colony, or in money as it passeth generally in the country at the time of payment, and in no other manner.

Upon the petition of Samuel Scott of Farmington, administrator on the estate of Joseph Scott, deceased, to sell the real estate of the said deceased, for payment of his debts: This Assembly do impower the said administrator to make sale of the real estate of the said Joseph Scott, deceased, for the payment of his, the said deceased, debts, and by the authority hereby given him, duly to execute any instruments for that purpose, as effectually to all intents and purposes as the said Joseph Scott might or could do if he were now living.

[328] An Act in addition to a certain law made May the 8th, 1712, intituled An Act in addition to the law, title Rates, &c. and for repealing divers and every clause therein contained respecting Inspectors, and all the penalties annexed to any and all the clauses and paragraphs in the said law.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all and every clause and paragraph in the law made in addition to the law, title Rates, page 98, &c. in May, 1712, respecting inspectors, and all the penalties annexed to any and all the clauses and paragraphs in the said law, are hereby repealed and made void.

And its hereby further enacted by the authority aforesaid, That the listers in each town shall take due care annually to transmit the list to the General Court in October, by the deputies of the respective towns.

And it is further enacted, That it shall be the duty of the said listers, after the return of the said lists from the General Court, carefully to inspect the said lists till the last day of December following, annually, and to add fourfold for all the polls and estate rateable they shall find left out of the list by any particular person or persons, the property whereof did belong unto any of the persons aforesaid on the 20th of August preceding; and if any doubt thereupon shall arise, the said estate shall be adjudged or reputed the property of the person assessed for the same, unless he can shew it to have been the

property of some other person on the said 20th of August aforesaid; and also add to the said lists fourfold for the whole ratcable estate and polls of all such as have given in no list at all, as a penalty on said inhabitants for their neglect, who shall pay rates for the same according to their fourfold assessment. And the one half of all sums arising upon such additions shall [329] by the constable and || other collectors of rates, that shall be made upon such lists, be paid to the listers as a reward for their trouble, and the other half shall be for the uses for which such rates are made. And the said listers shall transmit the sum total of all the additions they shall so make to the General Court in May following, and the Secretary shall enter the same as an addition to the sum total of the list of the several towns from whence they come, and give an account thereof to the treasurer of the Colony, who shall be accountable for the rates arising thereupon to the auditors.

And it is further enacted, That the listers for this present year are hereby ordered and impowred to inspect the list for this present year, and to do therein according to the rules and directions given the listers hereafter to be chosen by this act.

It is hereby also further enacted, That all plow lands and pasture lands, whether improved or not improved, if it be within fence, except lands in common fields not improved, shall be assessed or set in the list at 10*s*. per acre, excepting only those lands which in the act above referred to are assessed at an higher rate, which lands shall be assessed according to the said act, any former law to the contrary notwithstanding.

And it is further enacted, That whereas it is said in the said law that house lots of three acres shall be assessed at three pounds, &c., that wheresoever the said house lot doth exceed the quantity of three acres, that the remainder thereof shall be assessed as other plow lands or pasture lands of the like kind are assessed.

And it is further enacted, That that clause in the law, title Rates, page 99, in the second paragraph, which exempts lands when first cleared and inclosed from the payment of rates for the first four years, shall be repealed, and is hereby repealed.

It is also further enacted, That the listers shall be sworn to a faithful discharge of their office.

[330] Upon consideration of the petition of John Edgcomb by the Assembly in May last, and the conclusion of the said Assembly, that it appearing to the said Assembly that divers judgments which were final, viz. one judgment obtained by Samuel Fish of Groton, against the said Edgcomb at New Lon-

don superiour court, on the fourth Tuesday of September, 1713, for two hundred pounds and costs; and a certain judgment obtained against the said Fish by Joshua Hempstead of New London, contra Fish aforesaid, for two hundred acres of land, lying at Stonington, at a court of assistants holden at New Haven on the fourth of October, in the year 1709, were all depending upon the same principle in law, and the several parties sufficiently directed by divers orders of this Assembly to make and maintain such pleas as might maintain all proceedings of the several parties, so that it might appear that the said land formerly sold by the said Edgcombs wife might be well maintained against the claims of the said Hempstead, or the claims of the said Hempstead might be found to be good and sufficient in the law, and that the plea of the said Fish in reference thereunto being reduced to this question in the law, whether the said Hempsteads right to the said lands did accrue upon the death of his father or at the probate of his said fathers will, and this point of law being referred to the judges of the superiour court, and the said judges on the pleas and arguments of the parties, and solemn debate and consideration thereupon, determined that the said Hempsteads right did accrue upon the death of his father.

This Assembly have resolved, That inasmuch as the law, title Quieting Mens Estates, has resolved that the lands withheld from any persons for the space of fifteen years after the right of entry accruing, &c. the claimers of them are barred from their entry and action, and that the plea of those who would maintain the said judgments is not law, but contrary [331] ‖ thereunto,—do order, that all the judgments before referred to shall be revoked and are hereby reversed and made void, and that executions by the Secretary shall be granted for the return of all whatsoever by executions upon the said judgments have been taken, excepting only the costs recovered by the said Hempstead of the said Fish; and that the said Fish shall be reseized of the said land, and all things put in statu quo prius, as they were before the said judgments recovered.

Execution granted May 18th, 1715.

This Assembly grant unto Mr. Jeremia Atwater, the constable, one day more attendance, the sum of 0*l.* 3*s.* 0*d.*

This Assembly appoint William Pitkin and Joseph Talcott, Esq^{rs}, Col^{o} William Whiting and Capt. Aaron Cook, to hear the record of this Court be read off at Hartford, as soon as may be.

The aforegoing record of this Assembly was read off and compared in the presence of the committee above named, ex-

cepting Col° W^m^ Whiting being absent, and ordered to be signed by the Secretary as perfect and compleat.

HEZ. WYLLYS, Secry.

Hartford, November 27th, 1714.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEWHAVEN, OCTOBER 27TH, 1714.

Present, The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.
Nathan Gold, Esq^r^, Deputy Governour.

John Hamlin,
William Pitkin,
Peter Burr,
Sam^ll^ Eels,
Joseph Talcot,
Abraham Fowler,
John Sherman,
Roger Woolcot,
} Esq^rs^, *Assistants.*

The treasurer having represented to this board that there will inevitably be lost a considerable sum in the rate that was to be gathered by Thomas Alcot, constable of Hartford, in the year 1711, he the said Alcot dying while he was constable, and insolvent, and that he cannot make up the account of that rate with the auditors unless some persons [45] be appointed to make up with him the account of what was ‖ lost upon the said rate by the insolvency of the said constable: Ordered, that William Pitkin and Joseph Talcot, Esq^rs^, be commissioners to make up with the treasurer the account of what was lost by the said insolvency, and give him an order to the auditors to be allowed so much in his account of the said rate as shall by the said commissioners be found to be lost by the said insolvency.

Whereas in the list of the rate which Thomas Alcot, late constable of Hartford, who died in his office insolvent, was to gather, several persons stand uncrossed and have not yet paid their respective rates: Ordered, that William Goodwin, constable of the said Hartford, do gather the rates yet unpaid of the several persons charged with them in the said list of the rate, and pay them to the treasurer, and he is hereby impowered thereunto.

Whereas it has been shewn to this board by William Pitkin and Joseph Talcott, Esq^rs^, appointed a committee by the Assembly in May last to receive of Capt. Joseph Whiting, treasurer, the dead stock in his hands, that is to say, the bills drawn into his hands by several rates; that in receiving the said dead stock of the treasurer, (an account of which they have presented to the Assembly under their hands,) there was of the true bills of this Colony to the sum of 5500*l.* which they had given the treasurer a receipt of, and there was moreover in the said account six five shilling bills, altered to forty shillings, five half

crown bills, altered to forty shillings, and four three shilling bills, altered to forty shillings, for which they had given the treasurer no receipt.

The true original value of the said counterfeit bills is, 2*l.* 14*s.* 6*d.*

The false value of the said counterfeit bills is, 30*l.* 0*s.* 0*d.*

Whereby it appears that they have received of the treasurer of the said dead stock, according to the original value of the bills, the sum of 5502*l.* 14*s.* 6*d.*

But whereas it appears that the treasurer has been deceived, and that he has by mistake taken the said counterfeit bills at their false value for 30*l.*, and it being thought that the treasurer should be saved harmless, who has been declared acting faithfully in the publick service,

It is ordered, that the said committee do give the treasurer a receipt [46] of the sum of 5530*l.* as received by them of the dead || stock, and that the abovementioned counterfeit bills be burnt by them as the rest of the dead stock.

At a meeting of the Governour and Council in New Haven, October 30th, 1714.

Present, The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.
The Honb^ble^ Nathan Gold, Esq^r^, Deputy Governour.

John Hamlin, Esq^r^,	*Assistants.*	Samuel Eells, Esq^r^,	*Assist'nts.*
William Pitkin, Esq^r^,		Mathew Allin, Esq^r^,	
Joseph Curtis, Esq^r^,		Joseph Talcott, Esq^r^,	
Peter Burr, Esq^r^,		Abraham Fowler, Esq^r^,	
John Alling, Esq^r^,		John Sherman, Esq^r^,	
		Roger Wolcott, Esq^r^,	

Whereas the selectmen of the town of Kellingley are by an act of the General Assembly holden in New Haven, October 14th, 1714, ordered to take care that a list of polls and rateable estate in the said town be forthwith made and returned to the Secretary, at or before the 20th of December next,

Ordered, for the better executing of the said act, that the Governour give an order the selectmen of the said town, not to enter in the said list any polls and estates, living and being above nine miles to the northward of a line parallel to the north bounds of the town of Plainfield, or to the south bounds of the said town of Kellingley; the grant of the said township of Kellingley limiting the same not to be above nine miles to the northward of the said south bounds.

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[47] At a Council holden in New London, November 10th, 1714.

Present, The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.
Daniel Wetherell, Esq^r^,

Richard Christophers, Esq^{r}, *Assistant.*
Jonathan Prentts, } Esq^{rs}, *Justices.*
John Plumbe, }
Christopher Christophers.

Pursuant to an order of the General Assembly in October last, for a new edition of the laws of this Colony to be printed as soon as may be: It is resolved, that an order be signed to the treasurer for one hundred and twenty pounds, to be deliver'd to Mr. Timothy Green, the printer, to buy paper for that use.

Mem. That Richard Christophers and John Plumbe, Esq^{rs}, who were appointed by the Governour and Council, pursuant to an order of the General Court, to agree with a printer, upon the death of our former printer, Mr. Shorte, to come and settle in the Colony, and print the publick acts and orders of the government; reported that they had agreed with Mr. Timothy Green, of Boston, for four years, commencing from the first of May, 1713, at the rate of 50*l.* per annum, to print the acts and orders of the government and election sermons, and to take off 300 copies of all that shall be made in the said term, for the use of the government.

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[48] At a meeting of the Governour and Council at New London, November 17th, 1714.

Present, The Hon^{ble} Gurdon Saltonstall, Esq^{r}, Governour.
Daniel Wetherell, Esq^{r},
Richard Christophers, Esq^{r}, *Assistant.*
Jonathan Prentis, Esq^{r}, *Justice.*
Christopher Christophers.

A letter which came express from Mr. Justice Bulkley at Weathersfield, to the Governour, was read, signifying that one Theobalds arrived there lately, in a sloop from New York, and landed goods, and that upon information that one Gailer, who was a passenger in the said sloop, and went on shore at Branford, from whence he went to Guilford, and was there taken sick and died of the small pox, (that distemper being now at New Yorke,) he had ordered the goods landed to be carried on board, and that he had confined Theobalds and the sloops company on board, to prevent the spreading of that infection, pursuant to the law in such case provided.

Ordered, that Mr. Bulkley be further directed to take care that the said persons be kept on board, till it appear that they are not infected with that distemper; and that they be not suffered to land any goods that may probably convey the distemper, till they are sufficiently aired in such place as the said justice shall direct; that if it should happen that any of them be taken sick with the distemper, he give the proper orders that they should be relieved with such physick and help and other necessarys as shall be needful, either on board, or in some convenient house; and in such case, that he take care the master give

bond with sureties to reimburse the charge which their sickness may occasion, by satisfying physitians and tenders, or otherwise; or that in case such bond be refused, that then the said justice do issue out his warrant and secure such a part of the cargo on board as shall be sufficient to defray the said charge; and that a copy of this order sign'd by the clerk of the Council be forthwith sent to the said justice, that he may govern himself thereby.

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[49] At a meeting of the Governour and Council in New London, December 2d, 1714.

Present, The Honb[l] Gurdon Saltonstall, Esq[r], Governour.

William Pitkin, Esq[r],
Richard Christophers, Esq[r],
Joseph Talcott, Esq[r],
Roger Woolcott, Esq[r], } *Assistants.*

Jonathan Prentis, Esq[r],
John Plumb, Esq[r], } *Justices.*

Christopher Christophers.

The Governour communicated the remnants of a packet (which Governour Dudley sent him,) from the Right Honb[l] the Lord Bollingbroke, taken up from the sand and surf of the shore neer the place where the Hazard packet boat was lost; which packet contained a letter from his lordship dated August 5th, 1714, giving an account of the death of our Sovereign Lady Queen Anne of most blessed memory, and the proclamation of his present Majestie our Sovereign Lord, King George.

At the same time the Governour communicated a packet he had received under cover from Governour Hunter, from the Rt. Honb[l] the Lords of Trade, containing a letter dated August 11th, 1714, which covered one from the Lords of his Majesties most honb[l] Privy Council, dated August 10th, 1714, with an order to proclaim his present Majestie King George, according to the form of a proclamation therewith inclosed, with directions from the Lords of Trade to make a speedy return of our proceedings in obedience to those orders; and also a proclamation of their excellencies the Lords Justices of Great Brittain, requiring all officers referred to in an act of Parliament made in the 6th year of our late Sovereign Lady Queen Anne, entitled, &c., to take the oaths appointed therein: Whereupon,

It was resolved, That notwithstanding, upon the first certain advice of the death of our late Sovereign Lady Queen Anne of blessed mem-
[50] ory, and having received in the London ‖ Gazette, the proclamation of our present Sovereign Lord, George, King of Great Brittain, &c., the Governour, Council and Representatives, being then in General Court assembled at New Haven, did on the 14th day of the month of October last, being the first day of the said Assemblys convening, as a testimony of their zeal to his Majestie, and hearty joy at his ac-

cession to the Throne, after the solemn expressions of that sorrow on her Majesties decease were attended in the morning, did cause the said proclamation to be published in their presence, and at the head of the troops of horse and foot of that town and neighbourhood, with a mighty concourse of other people convened on that occasion,

Yet, that our so doing ought not to be considered as a sufficient compliance with the orders now received from their Lordships, but that the high and mighty Prince George, who is our present Liege Lord and Sovereign, be so own'd and recogniz'd in the express form we have received from the Lords of his Majesties most honbl. Privy Council; with this further circumstance, to increase our joy on that occasion, that we have advice of his Majesties safe arrival in his Kingdom of Great Brittain, and peaceable and actual possession of his throne.

It is therefore concluded, that tomorrow be the day for attending of this solemnity, by the Governour, Council, and such gentlemen of the Assembly as are in town, with all other gentlemen of the town and country that can be convened; that the trainbands in the neighbourhood be under their arms on that occasion, and that such provision of bread and wine, &c. as shall be judged needful for their refreshment be provided for them, at the charge of the government; and that orders be forthwith issued out to all proper officers accordingly.

[51] In pursuance of the act of the last General Assembly for printing anew all the laws of the government now in force, which leaves it to the Governour and Council to have it done in the best manner, as speedily as may be: it has been considered, that those laws which were printed at Boston in the year 1702, are most of them printed without bearing the date of the time when they were made, and not in the manner and form which has been observed in the laws printed since by the press in this Colony; and that it may be a considerable disadvantage to the administration of justice, if the antient laws contained in the said book should be printed without their true dates: It is thereupon thought necessary and ordered, that care be forthwith taken to look into the original manuscripts of those laws, and take out the true dates of them, in order to their being printed with the respective laws.

Resolved, that William Pitkin, Joseph Talcot and Roger Woolcot, Esq[rs], or any one of them, together with the Secretary, do forthwith revise the said law book, and endeavour to find out the true dates of the said respective laws, by search of the original, and draw out their dates in a distinct roll, to be presented to this board for approbation. And if they meet with any difficulty in their performing the said service, to lay the same before the Governour in Council for their resolution thereupon.

Upon the petition of William Shipman of Hebron, representing that by reason of a long continued sickness and lameness, and great charge he has been at towards the cure of himself and several of his family, they are reduced to great want, and praying that he may be relieved; the matter of fact being sufficiently testified by the selectmen of the [52] said town: ‖ It is considered, that a brief be granted him to crave the contribution of the people within the towns of New London and

Saybrook, Windsor, Weathersfield and Glassenbury, and the same is hereby granted; and it is further recommended to the reverend elders of the congregations in the said respective towns, to encourage their people to the exercise of their charity to the relief of the said Shipman and his distressed family, as is usual in such cases.

Resolved, that care be forthwith taken to obtain the act of Parliament made in the 6th year of the reign of her late Majestie Queen Anne, requiring all officers at her demise to take the oaths therein appointed; and that pursuant to the before mentioned proclamation of their Excellencies the Lords Justices, a proclamation be issued out thereupon, directing and requiring the said oaths to be taken, in such manner as shall be most proper, by all officers in this government.

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[53] At a meeting of the Governour and Council in New London, December 3d, 1714.

Present, The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.
William Pitkin, Esq^r^, Joseph Talcot, Esq^r^, Roger Woolcott, Esq^r^, *Assistants.*
Christopher Christophers.

Pursuant to an order of the General Assembly holden at New Haven in October last: It is resolved, that Coll. Mathew Allyn and Roger Woolcot, Esq^rs^, or either of them, with such assistance as is needful, do, as early as may be in the spring, proceed with Mr. Pomery to lay out such equivalents as are agreed on between this Colony and the Province of the Massachusets Bay, according to such directions as they shall receive from the Governour and Council.

Ordered, that the Kings attorney, Mr. John Read, do forthwith prosecute Thomas Rose, jun^r^, constable of Preston, for a cheat which he has committed in gathering the rate in said town for the year 1713.

Pursuant to the order of yesterday, the Governour, attended with the Council and several gentlemen of the Assembly, with the gentlemen of the town and country round about, the train bands being under arms, proceeded to proclaim his Majestie, according to the form sent him by the Lords of his Majesties most Honbl. Privy Council, which the Governour with the Council, and all the gentlemen and officers [54] present, having signed, it was publickly read by the clerk ‖ of the Council, after the Governour had signified, that althô the government, as a testimony of their forward zeal, had proclaimed his Majestie King George, King of Great Brittain, &c. upon the first news of the late Queens decease and his accession to the throne, it had been unanimously resolved in Council to attend the same at this time, in obedience to their Lordships commands, and as a further testimony of our allegiance to his Majesty.

The proclamation being read, the regiment in arms fired three volleys; after that, the guns at the fort fired, and the troops were enter-

tained with a refreshment of biskett and wine, at the charge of the Colony. All which was performed with the highest demonstration of joy, particularly increased by the advice, which the Governour signified he had received, of his Majesties safe arrival to his Kingdom.

At a meeting of the Governour and Council in New London, December 4th, 1714.

Present, The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.

William Pitkin, Esq^r^,
Richard Christophers, Esq^r^,
Joseph Talcott, Esq^r^,
Roger Woolcott, Esq^r^. } *Assistants.*

Jonathan Prentis, Esq^r^,
John Plumb, Esq^r^. } *Justices.*

Christopher Christophers.

Jeremy Wilson being lately arrived from New Yorke, (in a sloop,) who by his own confession had been in a house there infected with the small pox, and in the presence of a person on whom that distemper [55] was newly broke out, and there being great ‖ danger of his being infected himself, and his boy who is now indisposed,

Ordered, that a warrant be directed to the sheriff or his deputy, or to the constables of the town, to impress a small farm house belonging to Richard Christophers, Esq^r^, lately in the occupation of John Holmes, for the entertainment of the said Wilson and his boy, and such nurses, tendance and other necessaries, as shall be requisite for their accommodation, according to such directions as they shall receive from the selectmen. And the said Wilson and boy are hereby ordered forthwith to repair to the said house, there to remain until after the next change of the moon; and they are by no means to go into any other house or company whatsoever, during the time above limited, as they will answer the penalty of the law in such case provided.

At a meeting of the Governour and Council in New London, December 6th, 1714.

Present, The Honourable Gurdon Saltonstall, Esq^r^, Governour.

William Pitkin, Esq^r^,
Richard Christophers, Esq^r^,
Joseph Talcot, Esq^r^,
Roger Woolcot, Esq^r^, } *Assistants.*

Christopher Christophers.

Upon a representation to this board that Jeremy Wilson of New London, who with his man, by an order on Saturday last, were sent

to a farmhouse upon suspicion they might be infected with the small [56] pox, coming from New Yorke ‖ where it is very brief, and where his man is now seized with the small pox, which is come out upon him, doth nevertheless directly contrary to the order given him from this board and the law in such case provided, and particularly did the last night break from his confinement and come into the heart of the town, to his own family full of small children, to the great hazard of the town and danger of spreading the infection: For the preventing of which for the future, it is resolved, that direction be given to the civil authority in the town, to procure some fit person who shall be set to superintend and see that the order of law in such cases, or such directions he may receive from the said authority and selectmen of the town, relating to the care of the said Wilson and man, both for their own comfort and for the preservation of the town for that end, be duly attended; to which service he shall be sworn to be faithful, and shall be allowed a meet recompence by said Wilson.

And further, that the said authority do take effectual care to restrain all persons from any such communion with the said persons so confined, as the law for preventing the spreading of infectious diseases does require, and forthwith to punish all persons who shall misbehave themselves.

And the Governour is desired, as he may find it needful to prevent such disorders in the above persons, confined or others, as may be a means to spread the disease, to give orders to impress men and imploy them as a guard upon the said house, to see order kept, 'till it shall please God the danger may be over.

Ordered, that the Kings attorney, Mr. John Read, do forthwith prosecute John Rogers, or any other person that hath trespassed upon the land belonging to this Colony, which lyeth on or near unto a place called Alewife Plain, in New London.

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[57] At a Meeting of the Governour and Council in New London, December 24th, 1714.

Present, The Honourable Gurdon Saltonstall, Esq^{r}, Governour.
Daniel Wetherell, Esq^{r},
Richard Christophers, Esq^{r}, *Assistant.*
Jonathan Prentis, Esq^{r}, *Justice.*
Christopher Christophers.
Richard Christophers, jun^{r}.

Upon a complaint made by Capt. William Ely, of Lyme, against Mr. Thomas Lee, moderator of the town meeting at Lyme for the last year, and against Mr. Abraham Brounson, Mr. John Lee, Ensign John Colt, and Mr. William Minor, townsmen of the said town for the said year, that they did on the 20th day of this present month, at a town meeting of the said Lyme, allow several persons not qualified therefor and allowed by law to vote, to vote illegally in the election of

town officers, whereby several persons were illegally chosen officers of the said town, contrary to the law in such case provided; and that the said officers so illegally chosen had appointed a town meeting to be holden in Lyme the next Tuesday; desiring that the said town meeting so illegally called may be prohibited, until this complaint be enquired into.

Ordered, that Capt. William Ely be heard upon this complaint before the Governour and Council in New London, on Wednesday the 29th day of this present December, at 12 of the clock; and that notice be given thereof to the above named persons complained of, that they [58] or either of them may ‖ attend at the time aforesaid and make answer to the said complaint; that a full knowledge of the said case being had, such order may be given thereupon as shall be found proper; and in the mean time the said persons be commanded in his Majesties name to suspend the holding of the said meeting on Tuesday next, and until this complaint be heard as above directed.

Ordered, that the clerk of the Council do sign and attest a copy of this order, which being delivered to the clerk or constable of the said town of Lyme, they or either of them shall thereupon give notice to the beforenamed persons complain'd of, at or before Monday next, and read to one of them, or leave at the place of his abode, a copie thereof, and make return of his so doing to the Governour and Council, at or before Wednesday next, which shall be esteemed a sufficient warning for their appearance as aforesaid, as also for their not holding the aforesaid town meeting on Tuesday next.

The Governour laying before this board a presentment made by Peter Prat of Lyme, grand juror, against Josiah Rayner, Thomas Graves, Daniel Chadwick, Samuel Aulger, Ambrose Nyles, Edward Stocker, James Smith, jun^{r}, Daniel Smith, Daniel Clarke, Thomas Anderson, John Comstock, and George Smith, all of Lyme, that they at a town meeting holden in Lyme the 20th of this present December, did, contrary to the law in such case provided, vote in the election of town officers, and thereby incur the penalty in that case provided.

Resolved, that the Governour be desired to transmit the said presentment to Capt. William Ely, of Lyme, justice of the peace, to whom it properly belongs to take notice of such breaches of the law.

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[59] At a meeting of the Governour and Council in New London, December 29th, 1714.

Present, The Honourable Gurdon Saltonstall, Esq^{r}, Governour.
Daniel Wetherell, Esq^{r}.
Richard Christophers, Esq^{r}, *Assistant.*
Jonathan Prentis, John Plumb, } Esq^{rs}, *Justices.*
Christopher Christophers.

Capt. William Ely, of Lyme, in prosecution of his complaint made to this board on the 24th day of this present December, against the

illegal choice of town officers in Lyme on the 20th instant, alledged that the persons undernamed were admitted to vote as electors in the said meeting, being unqualified in the several respects added to their names,—

Daniel Chadwick. His list being produced, it appeared he had no land.

Samuel Aulger. No land in the list: his list not found, neither can the lister tell whether he had land or not.

James Smith, jun^{r}. No householder, nor land in the list.

Daniel Smith. No householder.

Ambrose Niles. No householder.

John Comstock. No land in the list, as appear by his list produced.

Thomas Graves. No land in the list, nor inhabitant: his list produced appears to have 6 acres of land, which is said to be none of his.

Thomas Ennis. No land in the list, nor is he an inhabitant: his list produced, but the land in it is said to be none of his, but his wives.

Thomas Wait. Non-inhabitant.

Josiah Rayner. Non-inhabitant.

Thomas Anderson. Non-inhabitant.—Answer,—A freeman.

George Smith. Non-inhabitant.

Daniel Clarke. Non-inhabitant.

William Worman. Non-inhabitant.

Edward Stocker. Non-inhabitant.

Jonathan Rogers. Non-inhabitant.

William Rathbone. Non-inhabitant.

The complaint of Capt. William Ely of Lyme, against Mr. Thomas [60] Lee, moderator, and Mr. Abraham Brounson, || Mr. John Lee, Ensign John Colt, and Mr. William Minor, townsmen or selectmen of the said town for the year 1714, for countenancing and admitting at a town meeting held in the said town, on the 20th day of this present December, several persons, who were not qualified for electors in the choice of town officers, to vote in the electing of several officers of the said town at the said meeting; whereby the choice of selectmen, made at the said meeting, and of all other officers then chosen, excepting only the town clerk, were illegally chosen, contrary to the law intituled Townships and Town Officers,—was heard; and the said Thomas Lee, Abraham Brounson, John Lee, John Colt, and William Minor, were heard in their answer thereunto.

And upon the whole it appeared, that the said Capt. William Ely, with several other persons privilidged to vote in the said town meeting, did in the said meeting openly protest to the said moderator and selectmen against the admission of Daniel Chadwick, John Comstock, Thomas Graves, Thomas Ennis, and divers others, to the number of 17 in all, to vote in the said meeting for the choice of officers, as being contrary to the law before cited; and did immediately draw up their protest in writing under their hands, being in number 17, and offer it to the said moderator and selectmen.

It also appeared, that the persons so objected against were, nevertheless, admitted to vote in the election of town officers at the said meeting.

It further appeared upon examination fully had, that several of the persons so admitted to vote, were not qualified according to the said law to vote in the election of the said town officers, whereby the town is destitute of such officers lawfully chosen according to the said law.

For the preventing of such mischiefs as may arise from the countenancing of such illegal proceedings in the choice of town officers: It [61] is hereby ordered, that Monday ‖ sevennight, being the 10th day of January next, a town meeting shall be held in the said town, for the electing of all such officers as are complained of to be illegally chosen at the said meeting of the 20th of this present December; and that all proceedings at the said meeting of the 20th of December, complained of as illegal, be, and they are hereby declared to be void. And the forenamed selectmen for the year 1714, are hereby directed to take effectual care that the said law determining the qualifications of voters be duly observed and attended to, at the said meeting appointed by this act. And all persons concerned herein are hereby required to conform themselves accordingly.

And it is hereby further declared, that all such selectmen and other town officers as shall be chosen pursuant to this act, on the said 10th day of January next, are hereby required to do and execute whatsoever belongs to their proper offices, for the year ensuing, unless in the mean time the General Assembly shall order otherwise.

And it is hereby further ordered, that a copy of this act sign'd by the clerk of the Council, shall be fixed or set up by the clerk of the said town, in the usual place for publishing town meetings in the said town, at or before Monday next, which shall be taken for a good and sufficient publication of this act.

Upon a representation made to this board, that at a late election of military officers in a new trainband lately made at Preston, there were irregular proceedings, and several persons allowed to vote who had no right to vote, whereby the choice is complain'd of as illegal under the hands of 34 of the souldiers of the said trainband; and Capt. John Parke, of Preston, signifying to this board that the said election had [62] caused ‖ great heats in the said town, and were in danger of causing further disturbance,—

Resolved, that the soldiers supposed to be of the said new company shall, notwithstanding the said election complained of, be and remain under the command of the said Capt. Parke, as formerly, until the General Assembly to be holden in Hartford in May next, or until such order shall be given for the redressing of the said grievance as shall by the said Assembly be found meet.

At a meeting of the Governour and Council in New London, January 11th, 171⅘.

Present, The Honourable Gurdon Saltonstall, Esq^r^, Governour.
Daniel Wetherell, Esq^r^,
Richard Christophers, Esq^r^, *Assistant.*

Jonathan Prentts,
John Plumb, } Esq^rs, *Justices.*
Christopher Christophers.

The town meeting at Lyme which was appointed by this board, to be held on the 10th instant, being taken up upon a difference about admitting inhabitants, and adjourned until Monday next, and those that were selectmen of the last year applying to this board for further direction how they may proceed at the aforesaid meeting on Monday next, in their attending to the order of this board of the 29th of December.

[63] *Resolved*, that the said selectmen, viz. Tho. Lee, ‖ Abráham Brounson, John Lee, John Colt, and William Minor, do lead on to the choice of town officers, according to the aforesaid order, at the said adjourn'd meeting, and continue it by adjournment, if need be, 'till the said work is perfected.

Resolved, that such as have been formerly admitted inhabitants of the town of Lyme by vote of the said town, according to direction of the law, that such as have been admitted and declared to be inhabitants of the said town by any act of the General Court, and particularly by the patent of the said town, and, that all the sons born of inhabitants so admitted, who have lived in the said town 'till they are come to the age of 21 years, and still live there, are and ought to be esteemed as inhabitants admitted into the said town, and in that respect qualified to vote in the choice of town officers.

Resolved, that all those who are in either of the said respects admitted inhabitants of the said town, may vote in the admission of other persons to be inhabitants of the said town, who shall propose themselves in a town meeting for that end.

Resolved, that at the aforesaid meeting on Monday next, or at any other town meeting, if any persons do present themselves to be admitted inhabitants as aforesaid, the beforenamed electors ought to consider their proposal, and according to their best judgment, and direction of the law, to pass a vote for their admission or otherwise; that if they are thought fit for admission, they may in that regard proceed to the immediate exercise of the privilege of voting in said meeting according to law. And that it would be very fit, just and proper, that such as [64] present ‖ themselves for admission at the said town meeting on Monday next, be considered and admitted by vote as aforesaid, before the election of town officers, that they may not lose the privilege of voting in the electing of such officers, for want of their admission being put to vote.

Resolved, that the clerk of the Council grant a copy of these resolves of this board, under his hand, to the said selectmen for their further direction.

At a meeting of the Governour and Council in New London, March 25th, 1715.

Present, The Honourable Gurdon Saltonstall, Esq^{r}, Governour.

John Hamlin,
William Pitkin,
Richard Christophers,
Peter Burr,
Sam^{ll} Eells,
} Esq^{rs}, *Assistants*.
Christopher Christophers.

Ordered, that proclamations be issued forth for a day of fasting and prayer to be observed throughout this Colony on the second Wednesday of April next, being the thirteenth day of the said month.

Daniel Apply of New London exhibited an information to this board, bearing date March 7th, 171$\frac{4}{5}$, against John Shackmaple, Esq^{r}, collector of his Majesties customs for this Colony, for that the said collector, in or about October last, did seize a boat belonging to the said Apply, burthen about four tuns, with the appurtenances, and hath ever since kept her under seizure, in a suffering condition, and refuseth to bring said boat to a tryal, tho often desired by said Apply, which he says is greatly to his damage, praying the direction of this board.

[65] The Governour also layd before the Council a copy of a letter dated March 8th, 171$\frac{4}{5}$, whereby he acquainted said collector with the complaint of said Apply; and also an answer from the collector of the same date, which was read in Council; and another letter from the collector dated March 25th, 1715, which was wrote upon the Governours message to him to attend him in Council at this time, upon this occasion, which was also read, in which the collector replyed in answer to the said information, that he was of opinion that none of his Majesties courts in this Colony had cognizance of the seizure he had made of the said boat, and that the late judge of the admiralty, Roger Mompesson, Esq^{r}, being dead, there was no commission of admiralty within this government, so that he could not bring the boat to a tryal.

The collector being indisposed, and hoping (as he intimates in his letter,) in a short time to be in a better capacity to attend the Governour and Council on this occasion, further time is granted him until Tuesday next, at two of the clock in the afternoon.

At a meeting of the Governour and Council in New London, on Tuesday, March 29th, 1715, 2da. ho. post m.

Present, The Honourable Gurdon Saltonstall, Esq^{r}, Governour.

Daniel Wetherell, Esq^{r},
William Pitkin,
Richard Christophers,
Peter Burr,
Samuel Eells,
} Esq^{rs}, *Assistants*.
Christopher Christophers.

The complainant, Daniel Apply, appearing in Council to prosecute his information exhibited against John Shackmaple, Esq[r], collector, which was presented in Council the 25th of this present month,—to which information the said collector personally appearing, replied, that the said Apply had brought certain goods from New York, (a clearing for which in the port of New York the said collector owned he had now in his hands,) and landed them in Say-Brook without entring his boat, contrary to the statute of the 14th of Charles the second, whereby the said boat and tackling was forfeited.

[66] Upon which said Apply declared, that when he arrived in the port of Say-Brook he went to Mr. Daniel Taylor, naval officer, shewed him his clearing from New York, but the said Taylor refused to enter his vessel, and that he could not hear of any collector or deputy collector in the said port at that time. And the collector thereupon declared that he had no deputy there, and farther added that the reason he had not brought the said boat to a tryal was, because there was no commission of the admiralty for this government since the death of Roger Mompesson, Esq[r]; and that he could not bring an information against the said boat in any of his Majesties courts in this Colony, for that he was of opinion they had not cognizance of the same.

Resolved, that his Majesties courts of common pleas in this Colony have cognizance of seizures of any vessels made within the same, and that the said collector might have brought his information to any of them.

Resolved, that Mr. John Shackmaple, the collector, in seizing the said boat in October last, and not exhibiting any information against the same in any of his Majesties courts of common pleas, or in the court of admiralty in this Colony, and refusing when desired so to do, and detaining her from the said Apply, without bringing her to a tryal, from the said October last to this present time, is a manifest breach of his duty.

Resolved, that the said collector be directed forthwith to bring an information against the said boat, to some one of his Majesties courts of common pleas in this Colony, if he think fit to proceed against her, and bring her to a tryal; or if otherwise, that he forthwith return her with her tackle and furniture to the said Apply.

Ordered, that the clerk of the Council do signifie to the said collector the result of the Council in this affair.

A letter which the Governour wrote to Coll. Mathew Allyn and Roger Woolcot, Esq[rs], appointed commissioners to take up the equivalents allowed upon the settlement of the line between this Colony and the Massachusets Bay, dated March 29th, 1715, was read in Council and approved.

[67] A bill of charges being laid before this board for sundry expences at New Haven, in proclaiming the King, amounting to six pounds three shillings and four pence: Resolved, that an order be signed to the treasurer for the payment of the said sum of 6*l.* 3*s.* 4*d.* to Mr. Joseph Whiting of New Haven.

Upon the petition of Joseph Benadict of Ridgefield, representing that by reason of an extraordinary indisposition wherewith his wife

hath been for a long time exercised, and the great charge and expence he has been at for her cure, he is very much reduced to want; and praying that he may be relieved. The matter of fact being sufficiently evidenced to this board: It is considered, that a brief be granted him to crave the contribution of the people within the towns of Stratford, Fairfield, Norwalk, Stanford, and Danbury, and the same is hereby granted. And it is further recommended to the reverend elders of the congregations in the said respective towns, to encourage their people to the exercise of their charity, to the relief of the said Benadict, as is usual in such cases.

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[332] *CONNECTICUT COLONY.*

At a General Assembly and Court of Election, begun and holden at Hartford, in his Majesties Colony of Connecticut, in New England, the 12th day of May, Anno Dom. 1715, and continued by several adjournments [to June 2d.]

Present at this Assembly were,

The Honourable Gurdon Saltonstall, Esq^{r}, Governour.
The Honourable Nathan Gold, Esq^{r}, Deputy Governour.

John Hamlin, Esq^{r},
William Pitkin, Esq^{r},
Peter Burr, Esq^{r},
Samuel Eells, Esq^{r},
Mathew Allyn, Esq^{r},
Joseph Talcott, Esq^{r},
Abram Fowler, Esq^{r},
John Sherman, Esq^{r},
Roger Wolcott, Esq^{r}.

Representatives or Deputies, that were returned to attend at this Assembly, are as followeth, viz:

Capt. Joseph Wadsworth, Capt. Cyprian Nicolls, for Hartford.
Capt. Joseph Wakeman, Mr. Richard Hubbell, for Fairfield.
Mr. Robert Lane, Mr. John Kelsey, for Killingsworth.
Capt. Rich^{d} Bushnell, Lieut. Joseph Bechus, for Norwich.
Mr. Joseph Phelps, Mr. Joseph Case, for Symsbury.
Mr. Caleb Knap, Mr. Thomas Marshall, for Greenwich.
Capt. John Merriman, Capt. John Hall, for Wallingsford.
Mr. James Morgan, Mr. James Avery, for Groton.
Mr. Samuel Bishop, Mr. Samuel Cook, for New Haven.
Capt. James Rogers, Lieut. John Richards, for New London.
Mr. Jonath: Law, Mr. Zacha: Baldwin, for Milford.
Lt. Joseph Rockwell, Ens. William Harriss, for Midletown.
Lt. William Gallop, Mr. Eben^{z} Searl, for Stoningtown.
Capt. James Wadsworth, Mr. Caleb Seward, for Durham.

Mr. John More, Capt. Timothy Thrall, for Windsor.
Mr. John Betts, sen^{r}, Mr. John Read, for Norwalk.
[333] Col^{o} Eben^{z} Johnson, Mr. John Riggs, for Derby.
Lt. Abram Brunson, Mr. Thomas Lee, for Lyme.
Mr. Edward Barker, Mr. John Russell, for Branford.
Capt. Josia Starr, Mr. Francis Barnham, for Danbury.
Mr. Thomas Judd, Mr. John Hopkins, for Waterbury.
Major John Clark, Mr. Dan^{ll} Buckingham, for Seybrook.
Capt. Thomas Gates, Mr. Hez: Braynerd, for Haddam.
Capt. Joshua Robbins, Mr. Edward Bulkley, for Weathersfield.
Lt. Jeremia Judson, Mr. Edmund Lewis, for Stratford.
Mr. Joshua Ripley, Capt. John Fitch, for Windham.
Capt. John Parks, Lt. Dan^{ll} Brewster, for Preston.
Mr. Samuel Addams, Mr. Joseph Addams,for Canterbury.
Mr. Michael Taintor, Mr. James Newton, for Colchester.
Mr. Joshua Whitney, Mr. John Smith, for Plainfield.
Mr. Thomas Kimberly, Mr. John Hubbard, for Glassenbury.
Capt. William Clark, Mr. Sam^{ll} Hide, for Lebanon.
Capt. Andrew Ward, Mr. Peter Talman, for Guilford.
Mr. John Stone, Mr. Jonath. Bell, for Stanford.
Mr. Joseph Minor, Mr. John Curtice, for Woodbury.
Mr. John Wadsworth, Mr. Sam^{ll} Porter, for Farmington.
Capt. Tho: Huntington, for Mansfield.

Capt. Richard Bushnell, Speaker, } of the House of Repre-
Mr. Samuel Cook, Clerk, } sentatives.

This day being appointed by charter and the laws of this Colony for the Election of the publick officers of this corporation, viz:—the Governour, Deputy Governour, Assistants, Treasurer, and Secretary,—proclamation was now made in Court by order of the Governour and Council, and the freemen proceeded to give in their votes to persons chosen and appointed by the Governour, Council and Representatives, to receive and sort them. The persons so chosen and appointed are, John Hamlin, Esq^{r}, William Pitkin, Esq^{r}, Peter Burr, Esq^{r}, Joseph Talcott, Esq^{r}, Abram Fowler, Esq^{r}, and Roger Wolcott, Esq^{r}, Capt. Richard Bushnell, Major John Clark, Capt. Joseph Wakeman, Capt. Andrew Ward, Mr. Edward Bulkley, Mr. Richard Hubbell, Mr. Samuel Cook, and Mr. Samuel Bishop who were all sworn truly and faithfully to receive, sort and count the said votes. And the votes of the freemen being brought in, sorted and counted,

The Hon^{ble} Gurdon Saltonstall, Esq^{r}, was chosen Governour for the year ensuing.

[334] The Hon^{ble} Nathan Gold, Esq^{r}, was chosen Deputy Governour for the year ensuing.

John Hamlin, Esq^r, William Pitkin, Esq^r, Joseph Curtice, Esq^r, Richard Christophers, Esq^r, Peter Burr, Esq^r, John Alling, Esq^r, Samuel Eells, Esq^r, Mathew Allyn, Esq^r, Joseph Talcott, Esq^r, Abram Fowler, Esq^r, John Sherman, Esq^r, and Roger Wolcott, Esq^r, were chosen Assistants for the year ensuing.

And the said John Hamlin, William Pitkin, Peter Burr, Samuel Eells, Mathew Allyn, Joseph Talcott, Abram Fowler, John Sherman, and Roger Wolcott, Esq^rs, were now sworn before this Assembly.

Capt. Joseph Whiting was chosen Treasurer of this Colony for the year ensuing.*

Hez. Wyllys was chosen Secretary of this Colony for the year ensuing, and before this Assembly sworn to that office and trust.

This Assembly, having made inquiry after, and considered the representation which the Hon^ble the Governour made of some scandalous report very grievous to his Honour, supposed to be industriously scattered among the people by some ill minded and seditious persons, cannot understand the least ground for any such reports,—do therefore desire the judges and justices would take utmost care for the suppressing of such ill practices; and do further signify their earnest desire, that his Honour would continue the service of God and his country in the office whereunto he is elected, that his Honour, with us and all concerned, might put to their helping hand for the preventing and suppressing of all disorderly and irreligious, immoral, unpeaceable and seditious endeavours, that peace and unity may be continued amongst us, that we may have the blessings of the God of peace upon us.

This Assembly establish and confirm Mr. David Goodrich to be Captain of the north company or trainband in the town of Weathersfield.

This Assembly do establish and confirm Mr. Joseph Talcott of Weathersfield to be Lieutenant of the north company or trainband in the said town of Weathersfield.

[335] This Assembly do establish and confirm Mr. Thomas Wells of Weathersfield to be Ensign of the north company or trainband in the said town of Weathersfield.

Upon the petition of Mary Corbitt, alias Peat, administratrix on the estate of John Peat, late of Stratford, deceased, repre-

* Capt. Whiting was not satisfied with the compensation granted him, and did not take the oath of officetill May 28th and until after the Lower House had voted that the Assembly would proceed to choose a meet person for that service, if he neglected longer to qualify.

senting that the estate of the said deceased was indebted 61*l.* 11*s.* 2*d.* more than the moveable part of the said estate amounts to, as appears by the records of the court of probates in the county of Fairfield: This Assembly grant full power and authority to the petitioner and to Mr. Benjamin Sherman and Mr. Richard Nickols joyntly, to sell so much of the real estate of the abovesaid deceased as may suffice for the payment of the aforesaid sum, with the approbation of the abovesaid court of probates.

This Assembly do establish and confirm Mr. Samuel Gunn of Milford to be Lieutenant of the second company or trainband in the town of Milford aforesaid.

This Assembly do establish and confirm Mr. Samuel Beard of Milford to be Ensign of the second company or trainband in the town of Milford.

This Assembly do establish and confirm Mr. Joseph Foot of Branford to be Captain of the company or trainband in the town of Branford aforesaid.

This Assembly do establish and confirm Mr. John Howd to be Lieutenant of the company or trainband in the town of Branford.

This Assembly do establish and confirm Mr. John Russell of Branford to be Ensign of the company or trainband in the town of Branford aforesaid.

This Assembly do establish and confirm Mr. Richard Case of Symsbury to be Lieutenant of the company or trainband in the town of Symsbury aforesaid.

Capt. Joseph Wadsworth being brought to the bar of the Assembly, to be examined upon the discourse he made May 17th, in the Assembly of both Houses, being publick upon the hearing of petitions, which was resented as of a seditious nature and tendency, as declaring against the validity of the acts [336] of || this Assembly which were passed by the Houses separate, for their inconsistency with our charter, and behaving himself with due submission declared, that he thought what he said had not such an aspect, and that he was far from intending to insinuate any such matter; but if through inadvertency his words had such a tendency, he readily acknowledged his offence and concern that what he had spoken had given any offence to the Assembly, whose constitution and proceedings he had no intention to reflect upon: Resolved thereupon, that the said Capt. Wadsworth acknowledge and consent to the following confession, viz.

I do sincerely profess that in my discourse yesterday, in the hearing of both Houses when the Assembly was publick, (and

upon the hearing of a petition,) relating to the constitution and power of this Assembly, as to the manner of their passing of acts according to our charter, I had no design to reflect upon or expose the proceedings of the Houses of the said Assembly in their passing of their acts separately. If what I said had any tendency thereunto, it was more than I intended or perceived; and I am heartily sorry that what I said was of any such tendency as to give offence to this Assembly, for which, as for the charter, I had a great regard and honour.

Resolved, That this acknowledgment shall be read in the hearing of both Houses, the doors being open, and that after the reading thereof, the said Capt. Wadsworth publickly own the same, and a proper admonition [be] given him, and thereupon his offence passed by.

The confession above was accordingly read in the hearing of both Houses and acknowledged by the said Wadsworth, and an admonition given him upon the same by the Hon^ble^ the Governour.*

This Assembly do establish and confirm Mr. Robert Lattemore of New London to be Captain of the first company or trainband in the town of New London aforesaid.

This Assembly do establish and confirm Mr. Clement Minor of New London to be Lieutenant of the first company or trainband in the town of New London aforesaid.

This Assembly do establish and confirm Mr. Jeremiah Chapman of New London to be Ensign of the first company or trainband in the town of New London aforesaid.

This Assembly do establish and confirm Mr. Christopher Christophers of New London to be Captain of the second company or trainband in the town of New London.

[337] This Assembly do establish and confirm Mr. Jonathan Starr of Groton to be Ensign of the south company or trainband in the town of Groton aforesaid.

This Assembly grant unto Dea. William Parker of Seybrook, the sum of four pounds out of the Colony's treasury, to make up what charge he hath been at with the surgeons on behalf of John Pratt.

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* The bill to bring Capt. Wadsworth to the bar, for his disorderly and mutinous speeches, originated in the Upper House. It was at first negatived in the Lower House, but after a conference of the two houses concurred with. The journal of the Lower House informs us that the admonition was a gentle one.

Capt. Wadsworth had been animadverted upon for rash words, by the Assembly, in October, 1703. *Ante*, Vol. IV. 453. Also by the Court of Assistants, May 27, 1708, for saying to the sheriff, being in the gallery of the meeting house in Hartford, under the court chamber where the Governour and Council were sitting, "If you come to me, and I tender you estate, and you will not take it, but take any other of my estate, I will break your head, or knock you down." Rec. Court of Assistants, II. 95.

Upon the petition of John Hancox of Springfield, contra Capt. Thomas Hart: It is resolved by this Assembly, that the said Hancox may bring an action of ejectment against the said Hart to eject him out of the land which the said Hancox sets forth in his petition he has just right to, and that the said Hart shall not be allowed to bar the said action by pleading his recovery of the said land by judgment of law from Thomas Hancox of Farmington.

Upon the petition of the West Farmers in New Haven: This Assembly grant that they be a separate society to carry on the worship of God amongst themselves, and that the dividing line, between the said town of New Haven and the said society, begin at the West River, running from the said river on the south side of Mr. John Allyns meadow, and running on his south line till it come to the upland, and then on the north side of William Thomsons land till it come to the highway between John Fords and Jonathan Allyns, and along the said highway northward till it comes to the country road leading to Milford, and so running along that road westward unto Milford line, including above the said road three particular farms, viz. one belonging to the widow Mallery alias Elizabeth Barnes, another belonging to Samuel Umphrevill, and the other to Joseph Pardy; and do further order, that all persons inhabiting or [who] shall inhabit within the said limits shall contribute in proportion to their rateable polls and estates lying within said limits, unto the ecclesiastick charges of the said society, and when and while they have an orthodox minister among them be freed from the ecclesiastick charges in the said town; intending herein not only the ministers salary, but the building or repairing meeting houses and whatever other charges arise thereupon.

This Assembly do establish and confirm Mr. William Wadsworth of Farmington to be Captain of the first company or trainband in the town of Farmington aforesaid.

This Assembly do establish and confirm Mr. George Griswold of Windsor Ensign of the first company or trainband in in the said town of Windsor.

[338] Upon the petition of John Ayer, inhabiting near or upon the dividing line between Groton and Stonington, representing great difficulties and inconveniences he sustains by reason that the list of his polls and his land and estate there lying being demanded by the listers of both towns, occasioned by the doubtfulness of the said dividing line: This Assembly therefore order, that the said John Ayer and his estate lying in the place aforesaid be deemed and accounted as pertaining

to the town of Stonington, until such time as that the said line be run and determined at that place, and be listed in the said town for and during such time as the said line in the place aforesaid remains undetermined.

Upon the petition of Dea. Sam[ll] Benidict and his daughter in law, Elizabeth Benidict, father and widow to Thomas Benidict, late of Danbury, deceased, shewing that the said deceased did in his life time sell five acres of land unto Mathew Bowten, and received full satisfaction for the same, and also made four exchanges of land to mutual satisfaction, not confirmed by deeds in the life time of the said deceased: This Assembly grant full power and authority to the petitioners and Mr. Francis Barnham to make, sign and execute, in behalf of the heirs of the said deceased, full and ample deeds of the said land exchanged or agreed to be exchanged by the said deceased on his part, provided the persons with whom the agreement of exchange was made by the said deceased do on their parts make and execute full and ample deeds of such lands as they agreed to exchange as aforesaid unto the heirs of the said deceased. This Assembly further grants full power and authority to the petitioners and the said Mr. Francis Barnham, to make, sign and execute a full and ample deed of the abovementioned five acres of land unto the abovesaid Mathew Bowten, pursuant to the bargain of the said deceased; allowing such deeds made as aforesaid as authentick unto all intents and purposes as if the said deceased had in his life time personally made the same.

Upon the petition of Mr. Caleb Leet, administrator on the estate of Ebenezar Hubbard, late of Guilford, deceased: This Assembly grant full power and authority to the administrator aforesaid to sell so much of the real estate of the said deceased as with the moveables of said estate are sufficient for the payment of the debts due from said estate, with the approbation of the court of probates for the county of New Haven.

Upon the petition of Benjamin Warner of New Haven, administrator of the estate of Thomas Warner, late of Waterbury, deceased: This Assembly grant full power and authority to the petitioner to sell so much of the real estate of the said deceased as shall be needful for the discharge of such a part of the debts of the said deceased as surmounts the moveables of the said deceased; provided the advice and direction of the court of probates in Hartford be first had and obtained in the premises.

[339] Upon the petition of Mary Perritt, administratrix on the estate of her late husband, Peter Perrott, of Milford, deceased: This Assembly grant full power and authority to the

administratrix aforesaid to sell so much of the real estate of the deceased as with the moveables of said estate are sufficient for the payment of debts due from the said estate, with the approbation of the court of probates in the county of New Haven.

This Assembly do establish and confirm Mr. John Holmes of Colchester to be Lieutenant of the first company or trainband in the town of Colchester.

This Assembly do establish and confirm Mr. Ephraim Wells of Colchester to be Ensign of the first company or trainband in the town of Colchester aforesaid.

This Assembly do establish and confirm Mr. Jabez Perkins of Norwich to be Ensign of the first company or trainband in the town of Norwich aforesaid.

This Assembly do establish and confirm Mr. John Hopkins of Waterbury to be Ensign of the company or trainband in the town of Waterbury aforesaid.

An Act for emitting Bills of Credit for the payment of the Publick Debts of this Colony.

Whereas by an act passed by the General Assembly of this Colony holden at Hartford May 14th, 1713, entituled An Act for emitting bills of credit, the sum of 20000*l.* was ordered forthwith to be emitted and delivered to the treasurer by a committee appointed.

It is hereby enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said treasurer be and is hereby impowred to issue forth and emit two thousand pounds of the said bills towards the payment of the publick debts of this Colony, and the further necessary charges thereof, according to such orders as shall be given him from time to time according to law.

Be it further enacted by the authority aforesaid, That as a fund or security for the repayment and drawing in of said bills into the treasury again, this Assembly grants a tax or rate of two thousand one hundred pounds, to be levyed on polls and all other rateable estate within this Colony, and to be paid into the treasury at or before the last day of May, 1725; which said rate shall be paid in bills of credit of this Colony, or in money as it passeth generally in the country at the time of payment, and in no other manner.

[340] Capt. John Parks, Mr. Thomas Williams, and Mr. Daniel Brewster, who were by this Assembly, held in Hartford May 13th, 1714, appointed a committee on behalf of this Assembly to appoint a place for the building a bridge over Moosups River, and to agree with some persons to build said

bridge, and make them reasonable satisfaction in country land, if there were any near the said bridge for that purpose, having agreed, pursuant to the said act of Assembly, with Francis Smith and Miles Jordan for the building of the said bridge, who have accordingly well compleated and finished the same, and promised to warrant it for the space of ten years next ensuing, for and in consideration of two tracts of land by the said committee laid out to them, the said Francis Smith and Miles Jordan, viz. one tract of country land to the said Smith, containing ninety acres, beginning at a crotched pine tree, markt on two sides, it being the northwest corner of the said tract, then running southerly forty rods to a rock six foot high, then running easterly sixty rods to a pitch pine tree, being the northwest corner of a piece of land laid out to the Rev. Mr. Joseph Coit, containing eighty six acres, still running easterly one hundred and eighty rods, bounded south on said eighty six acres, to a pine tree marked on three sides, thence northerly eighty four rods to a white oak tree, and from thence running westerly to the pine tree first mentioned, the highway excepted leading from said bridge to Providence, an allowance being made for said road; the other tract of country land containing sixty acres laid out by the aforesaid committee to the aforesaid Miles Jordan, bounded as followeth, viz. beginning at a white oak tree standing near Greenwich old road on the north side, being the southeast corner of said tract, running thence westerly by the said road ninety two rods, to a pitch pine tree marked on two sides, thence running northerly one hundred and twenty rods to a red oak staddle marked on two sides, thence running easterly seventy two rods to a white oak tree marked on two sides, and thence running southerly to the white oak tree first mentioned,—the committee aforesaid having received satisfaction for their charges in the premises out of the abovementioned ninety acres of land, and the aforesaid committee having returned to this Assembly as abovesaid: This Assembly approve and accept of said return and agreement, ratifying, granting and confirming the said tract of ninety acres of land unto the aforesaid Mr. Franciss Smith, his heirs and assigns forever, butted and bounded as aforesaid; ratifying, granting and confirming unto him the aforesaid Miles Jordan, his heirs and assigns forever, the aforesaid tract [341] of sixty acres of land, butted || and bounded as aforesaid; provided this act be not construed to the prejudice of any prior claim or claims of any person or persons whatsoever, of, in or to the premises, or any part or parts thereof.

Whereas it appears to this Court that Andrew Kenecum and Andrew Lester, inspectors in the town of Groton the year past,

did spend considerable time in inspecting the list of that town, and made presentment to the authority there of sundry parcels of land and other rateable estate left out of said list, to the value of some hundred pounds, but before there was any tryal or judgment thereupon the law concerning inspectors was repealed in October last, and the listers of that year were then by law required to add fourfold to all such rateable estate as was not given in to the list, by which repeal and alteration of the law the aforesaid inspectors have not had that reward for their pains, diligence and trouble in that office, which they had a prospect of, and was their right by the said law, neither have the listers, as the Court is informed, made any addition to the list on account of the estate left out, whereby the Colony is wronged considerably: On consideration whereof, it is ordered by this Court, that the aforesaid Kinecum and Lester shall deliver under their hands unto the listers of Groton for the year past, a fair account of all that estate which upon their inspecting the aforesaid list they found not to be entered therein, which shall by said listers be entered fourfold into the list according to law, and make return to the treasurer of the total sum so entered; and the said Kinecum and Lester shall, for their service and expence in the premises, have a reward out of the treasury equal to the sum that shall be paid into the treasury by the rate on the fourfold estate so added to the list.

Whereas the General Court, held at New Haven the 14th of October last, appointed Capt. Richard Bushnell of Norwich, Nr. Nehemiah Smith, and Mr. James Morgan, of Groton, to renew the bounds of the land called Bartlets Land, belonging to the school of New London; the said persons have accordingly attended that service and made return of what they have done, under their hands, to this Court, which this Court approve of and allow for record; provided this approbation and allowance be not construed to the prejudice of any persons lawful claims within the limits therein mentioned.

Major Samuel Eells and Col° Ebenezar Johnson are appointed a committee to return the thanks of this Assembly to [342] the Reverend || Mr. Joseph Moss, for his sermon preached at the election holden in Hartford May 12th, 1715, with their desire of a copy of the said sermon for the press.

Cost allowed to Jonathan Arnold, of Hartford, for his attendance at this Assembly upon the petition of Thomas Bannister, of Boston, the sum of twenty shillings.

Cost allowed to Jonathan Filley, of Windsor, for his attendance at this Assembly to answer the petition of John Filley,

of said Windsor, the sum of twenty shillings. *Execution granted June 3d*, 1715.

This Assembly having had consideration of the petition of some of the inhabitants of the Western Society of Weathersfield, requesting this Assembly to perfect and compleat an exchange of the southwest corner of the said society to the Swamp Society in Farmington for an addition of a part of the old society in Farmington to the said West Society in Weathersfield: This Assembly appoint Joseph Talcott, Esq^{r}, Col^{o} William Whiting, and Capt. Aaron Cook, a committee to go upon the place, at the desire and charge of the petitioners, to endeavour by all means an agreement and accommodation between the petitioners and other the inhabitants of the said West Society in Weathersfield; and in case they cannot effect that, then to consider and weigh the circumstances of the situation of those lands proposed to be exchanged, and the conveniences or inconveniences that may arise to the said society by the ratifycation of the aforesaid exchange, and also to consider where the meeting house in said society may most conveniently be set, and any other things conducive to the peaceful and good settlement of said society, and make report to this Assembly in October next.

An Act for the Preservation of Timber and Preventing the Exportation thereof.

Whereas great or considerable quantities of plank, ship timber and boards, are exported out of this Colony to the neighbouring Provinces, to the great destruction of timber, and to the disadvantage and discouragement of his Majesties subjects here, in building of shipping, whereby the increase of trade among us is much hindered: For the prevention whereof,—

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all plank, ship timber and boards, of the growth of this government, that shall be shipped for exportation out of this Colony to any of the neighbouring governments of Massachu- [343] setts Bay, New York, || New Jerseys, Rhoad Island and New Hampshire, shall pay to the naval officers in each port where the said ship timber, or plank, or boards shall be shipped, and for the use of this government, the sum of ten shillings for every tun of ship timber, and the sum of five shillings for every hundred foot of plank, and three shillings for every hundred foot of boards which shall be shipped as aforesaid.

Be it also enacted by the authority aforesaid, That if any person or master of a vessel shall (before entry made with the naval officer of the port where he shall lade his vessel with any

ship timber, or plank, or boards as aforesaid, for any of the aforesaid Provinces, and given bond with sureties to the naval officer in the said port not to export the said ship timber or plank or boards until he has paid the duty of this act laid upon their exportation,) take on board any vessel any quantity of ship timber, or plank, or boards as aforesaid, and information thereof shall be given to the said naval officer of the said port, the naval officer is hereby impowred to seize the said ship timber, or plank and boards so shipped, and secure them; which said ship timber and plank and boards shall be forfeited, one half to the publick treasury of this Colony, and the other half to the informer who shall prosecute for the same to effect at the next county court within the county where the said port in which the said timber and plank or boards so shipped shall ly.

Provided also, That this act shall not take place until the first of November next, and shall continue in force but for four years next ensuing the date of this act.

And it is further enacted by the authority aforesaid, That upon the complaint of the breach of either this act or a certain act respecting staves, made in May last, if any owner of the said timber, plank, boards or staves, shall plead in justification of his doings, or the master of any vessel shall plead in his justification, that the said timber, plank, boards or staves, were not of the growth of this Colony, that the onus probandi shall ly on him that makes the plea; and further, that when no such plea is made, it shall be taken pro confesso that the growth was of this government.

Resolved by this Assembly, That the treasurer do continue to exchange the bills of credit of this Colony according to an act for that end made and passed at the General Assembly holden at Hartford the 14th day of May, 1713, until the first of November next.

344] Upon consideration of the trouble and charge that Andrew Kennicum, inspector of Groton, hath been at in petitioning to this Assembly to be put into a way for the recovery of what was his due by virtue of the late law repealed in October last, for his presenting sundry persons for leaving out estate out of the last list, this Assembly grant unto him thirty shillings out of the Colony treasury.

Whereas Thomas Hartshorn and others, at a place called the Crank, petition this Court to be joyned to the town of Coventry or elsewhere as the Court think fit, and Richard Lyman and others, living some within the bounds of Lebanon and others between Lebanon and Coventry, petition this Court that

they together with the persons aforesaid living at the Crank, may be a society, or the land wherein they all live may be a township: It is thereupon resolved by this Court, that Col° Mathew Allyn, and Major Joseph Talcott and Mr. John Hooker, be a committee to go to the aforesaid place and view the same, and make report to the Assembly in October next, what they may judge fitting to be done in the premises; provided the persons petitioning will be at the charge thereof.

Upon the petition of the inhabitants of New Town, this Assembly grant them liberty to embody in church estate as soon as God in his providence shall make way therefor.

Upon the petition of Abigail Lewis, administratrix on the estate of her late husband, John Lewis, late of Symsbury, deceased: This Assembly grant full power and authority to the administratrix aforesaid to sell so much of the lands of the said deceased as with the moveables of said estate are sufficient for the payment of debts due from said estate, with the approbation of the court of probates in the county of Hartford.

Upon the petition of the inhabitants of New Milford: This Assembly grant them liberty to embody in church estate as soon as God in his providence shall make way therefor.

Cost allowed Caleb Knap of Greenwich, (in behalf of the West Society of said Greenwich,) attending at this Assembly upon the petition of Joseph Smith, of Midletown, the sum of 1*l.* 9*s.* 3*d.*

[345] Upon application made to this Assembly by Phillip Smith, of Hartford, guardian to Samuel Smith, an idiot: This Assembly lycence and authorize the selectmen of Hartford, or the major part of them, to make sale of the real estate of the said idiot, and to secure, improve and employ the produce thereof to and for the use, relief and safety of the aforesaid idiot as long as he shall live and continue non compos mentis, and the overplus (if any be,) to and for the use of the next and right heirs of the said idiot.

Resolved by this Assembly, That an act made by this Assembly in May last, intituled An Act for the preservation of timber and preventing the exportation thereof, be not construed to the prejudice of those who have bargained for and gotten any quantity or quantities of barrel, pipe or hogshead staves, antecedent to the said acts taking place, which was December last past; provided that it may be made appear to the satisfaction of the major part of the selectmen in such town or towns, where such staves are gotten, that the said bargain or bargains were made before the said act taking place as above; which staves may be exported as before, notwithstanding the

said act, and free of the penaltie or penalties annexed to the said act; provided that the said staves be exported or shipped for exportation before the first day of December next.

This Assembly grant liberty and full power to Elizabeth Watson, alias Kelsey, administratrix on the estate of her late husband, William Kelsey, of Windsor, deceased, to sell so much of the lands belonging to the said estate as may be necessary to produce effects sufficient to pay the debts of the said deceased, with the direction and allowance of the court of probates in the county of Hartford.

An Act for the better regulating of Taverns, and for the preventing of Drunkenness and Expence of Precious Time needlessly at Taverns.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That no person or persons dwelling in any town in this Colony shall at any time be suffered to drink any strong drink, viz. wine, rhum, cyder, metheglin, or brandy, (or any mixt drink made with any of them,) in any tavern or house of publick entertainment, or the appendices thereof, in the town whereto [346] he or they belong, upon penalty ‖ of ten shillings money, for every breach of this act. And the master and mistress of such house, who shall by themselves, their children or servants, suffer any town dweller to drink any such strong drink in or about his or her house as aforesaid, shall forfeit the sum of thirty shillings money. All breaches of this act to be heard and tryed by one assistant or justice of the peace, and the said penalties by them inflicted upon due proof. All penalties arising upon this act to be half for the use of the poor of the town in which the offence is committed, the other half to him or them that shall complain of such offenders and prosecute his or their complaint to effect, as well the constables and grand-jury men as others. And the constables and grand-jury men in the respective towns are hereby required to make diligent enquiry after, and presentment of all breaches of this act.

Resolved by this Assembly and the authority of the same, That whereas it is said in an act intituled An Act in addition to a certain law made May the 8th, 1712, &c. made by this Assembly in October last, in the fifth paragraph, that all plough lands and pasture lands, whether improved or not improved, if it be within fence, (except lands in common fields not improved,) shall be assessed or set in the list at ten shillings per acre, excepting only those lands which in the act above referred to are assessed at an higher rate, &c.—That for the future all

plough lands shall be so assessed only for that year in which the crop is taken off or separated from the said land, but in the next year following it shall be assessed as and for pasture land at eight shillings per acre, and so from year to year till the year wherein the said land shall be ploughed for another crop, in which it shall be rate free; and in the year in which the crop is to be taken off or separated from the said land, it shall be rated as aforesaid.

And it is now also resolved, That all pasture lands shall be assessed at eight shillings per acre, excepting only such lands as are much overgrown with wood, bushes, bryars and the like, whereby the land becomes unserviceable for pasture, which lands shall be assessed at two shillings per acre and no more.

And whereas it is said in the seventh paragraph of the aforesaid act, that the law whereby lands when first cleared and inclosed should be exempted from the payment of rates for the space of four years should be repealed: Its now ordered that the said lands shall be exempted for the space of four years.

[An Act in addition to, and for explaining of the law referring to Idiots.*]

[347] *Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same*, That if the relations of such poor, impotent persons, in the line or degree of father or grandfather, mother or grandmother, children or grandchildren, be of sufficient ability, then such relations respectively shall relieve such poor persons in such manner as the county court in that county where such sufficient persons dwell, shall assess; on pain that every one failing therein shall forfeit twenty shillings for every months neglect, to be levyed by distress and sale of such offenders goods by warrant from any one of the justices of the said court, which shall be imployed to the use and relief of such impotent person.

Upon the petition of Mr. Josia Churchill of Weathersfield, guardian to Ruth Seymor, daughter to Zachariah Seymor, late of Weathersfield, deceased, shewing that the said Ruth hath for a great part of her time past been sickly and thereby exposed to considerable charge for physick and cloathing, and hath no other estate allotted her but lands, and them unimproved all but one fourth part of the house lot of the said deceased: This Assembly grant full power and authority to the petitioner, with the said Ruth Seymor, and with the advice of

* The title of this act, omitted from the record, is supplied from the printed laws. The title of the original bill is, "In addition to the law providing for the Poor, page 94." Civil Officers, &c. I. 133.

Mr. John Seymor and Mr. Thomas Seymor, overseers of the children and estate of the aforesaid deceased, to sell the aforementioned fourth part of the house lot of the said deceased, for the reason and use beforementioned; provided that the tender thereof to sale be first made to the relations of the said deceased.

Upon the petition of Elizabeth Andrews, of Hartford, representing that her son who went scout from Deerfield under the command of Capt. Crocker, was killed by the enemy, lost all his clothes, and never had all his wages: This Court grant the said Elizabeth the sum of forty shillings out of the Colony treasury.

Resolved by this Assembly, That the treasurer of this Colony be for this present year allowed out of the Colony treasury sixty pounds per annum and no more, for the whole of that service, as well for the receiving in and paying out bills of credit according to lawful orders as he shall or may from time to time receive, as for collecting and receiving the rates and all other sums to be paid into the Colony treasury, and accounting for the same.

[348] Whereas there is a narrow slip of land lying in this Colony, on the west side of Greenwich bounds, and on the east side of the line divident between this Colony and the Province of New York, being about fifty or sixty rods in width, east and west, be it more or less, and about eight miles in length, north and south, be it more or less.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said tract of land and the inhabitants thereof be annexed, and they are hereby annexed, unto the townŝhip of Greenwich; and that they be there listed by the listers of the said town, and in every other respect be proceeded with as any other inhabitants and estates of or in the said town of Greenwich.

And further, be it enacted by the authority aforesaid, That the said land and inhabitants be, and they are hereby annexed particularly unto the society of Horseneck, in said town of Greenwich.

This Assembly do establish and confirm Mr. Joseph Wright of Colchester, to be Captain of the north company or trainband in the town of Colchester aforesaid.

This Assembly do establish and confirm Mr. John Osborne of Fairfield, Captain of the west end company or trainband in the town of Fairfield aforesaid.

This Assembly do establish and confirm Mr. Jonathan Sturgiss of Fairfield, to be Lieutenant of the west end company or trainband in the town of Fairfield aforesaid.

This Assembly do establish and confirm Mr. Samuel Barlow of Fairfield, to be Ensign of the west end company or trainband in the town of Fairfield aforesaid.

This Assembly do establish and confirm Mr. Thomas Nash of Fairfield, to be Lieutenant of the company or trainband at the west parish, in the town of Fairfield aforesaid.

This Assembly do establish and confirm Mr. John Andruss of Fairfield, to be Ensign of the company or trainband at the west parish in the town of Fairfield aforesaid.

It is allowed by this Assembly, that the Governour and Secretary execute a patent in the name of this corporation to John Rogers, jun^{r}, of New London, of a tract of land in said New [349] London, || being twenty and two acres, taken by execution from his father, John Rogers, of the same place, the said John Rogers, jun^{r}, paying therefor the twenty pounds fine which the land was taken for, to the treasurer of this Colony, and giving bond to pay all the charges and costs of levying the said execution, also all other cost of courts remaining upon the suits had on the premises, to the treasury aforesaid, by the first day of July next, and likewise pay the charge of said patent.

An Act in addition to the printed law, title Book Debts.

Resolved by this Assembly, That notwithstanding the limitation in the said law to the space of seven years for the recovery of book debts, that all book debts contracted since the year 1697, shall at any time be recoverable during the natural life of the debtor.

And it is further enacted by this Assembly and the authority of the same, That in all such actions wherein the sum in debate shall be such as shall be tryed by a jury, the jury shall well weigh and consider the credit of the parties admitted by the court to take the oaths in or out of the court in such cases and such form as testimonies in other cases in this government are by law allowed, together with any other evidence given them, and all the other circumstances thereof, and upon their oaths shall give their verdict thereon for what they shall find justly due upon their evidence.

And further, This Assembly do repeal the law made by this Court in May, 1705, concerning Book Debts, and it is hereby repealed and made void.

An Act to prevent Nuisances by Hedges, Wears and other Incumbrances, obstructing the passage of Fish in Rivers.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That no wears, hedges, fish gears, disturbances or incumbrances, shall be set, erected or made, on or across Quinabaug River, Shoutucket River, or Windsor Ferry River, to the stopping [or] obstructing the natural or usual course and passage [350] of fish in || their seasons, or spring of the year, without approbation and allowance first had and obtained from the county court of that county where the said weare is erected. And that all wears, hedges, fish gears, disturbances or incumbrances whatsoever, set up and made, or hereafter to be set up or made, in, [on] or across any of the said rivers, to the straitning, obstructing and stopping the natural, common or usual passage of fish in the spring or proper seasons of the year, without allowance first had and obtained for the same, as is by this act provided and directed, are declared to be of common nuisance, and shall be demolished and pulled down; and upon complaint made to any assistant or justice of peace in the county where the said common nuisance is committed, a writ shall be granted to the sheriff or constable where the nuisance is committed, to cause diligent enquiry to be made for finding the person or persons who shall be guilty of any such nuisance, and him or them to bring before the said assistant or justice of the peace, to be examined, and if convicted thereof, to be fined not exceeding the sum of forty shillings, and also remove all such nuisances, and to command suitable assistance therefor, at the cost and charge of the person or persons so offending.

Forasmuch as the admitting of persons to act as Collectors of the Customs in this Colony unless authorized thereunto as is required in an act of Parliament made in the seventh and eighth year of King William the third, intituled An Act for preventing fraud and regulating abuses in the plantation trade, may be a great prejudice to his Majesties interest, as well as injurious to his Majesties subjects,

It is resolved by this Assembly, That whatsoever person doth or shall at any time, from and after the ending of the present session of this Assembly, pretend to have and exercise the power and office of a collector in any place or port within this Colony, before he has produced to the Governour and Council a commission for that end, from the Lord High Treasurer, Commissioners of the Treasury and the Commissioners of the Customs, and present the same to be entered in record in the

Secretaries office, shall not be allowed to execute the said office of collector.

And it is further resolved, That if any person shall presume to act as a collector, or as deputed by such collector, in any port of this Colony, before such collector has produced such his commission therefor to the Governour and Council as aforesaid, being thereunto required, and before such commission [351] so presented be accepted by them || and has been presented to be recorded as aforesaid, shall incur the penalty of 100*l.* to be recovered in any of his Majesties courts of common pleas in this Colony; one moiety of the said penalty to be to the treasury of this Colony, and the other moiety to him that shall prosecute for the recovery of the same to effect.

Upon the information of Mary Utter, wife of Jabez Utter, to this Assembly, against the sheriff of the county of New London, that on the 19th of January last past, he, the said sheriff, with divers other persons therein named, came to the house of the said Utter in Mortlake, and there many high and heinous enormities, treasons, profaneness, and other grievous wickednesses did commit: This Assembly do order the Worshipful Capt. Bushnell, one of his Majesties justices of the peace for the county of New London, to enquire into the premises and proceed against the offenders according to law.

Upon consideration of the faithful and good service of Capt. Joseph Wadsworth, of Hartford, especially in securing the Duplicate Charter of this Colony in a very troublesome season when our constitution was struck at, and in safely keeping and preserving the same ever since unto this day: This Assembly do, as a token of their grateful resentment of such his faithful and good service, grant him out of the Colony treasury the sum of twenty shillings.*

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* This bill originated in the Lower House, and, as at first passed there, gave Capt. Wadsworth four pounds: the Upper House negatived it: a committee of conference was appointed, consisting of Mathew Allyn, Roger Wolcott, and John Clark; and both houses agreed to give the sum named in the text. *Finance & Currency*, I. 82.

Forty four years afterwards, Roger Wolcott wrote, for President Clap, a Memoir relating to Connecticut, dated July 12th, 1759, the original of which is now in the possession of Mr. George Brinley, of this city. He says in it, "In October, 1687, Sir Edmund Andross came to Hartford. The Assembly met and sat late at night. They ordered the charters to be set on the table, and unhappily, or happily, all the candles were snuffed out at once, and when they were lighted, the charters were gone. And now, Sir Edmund being in town and the charters gone, the secretary closed the Colony records with the word Finis, and all departed."

In 1764, Roger Wolcott gave President Stiles this story, as the latter records it in his *Itinerary*, II. 105, now in Yale College Library, "Nath. Stanly, father of late Col. Stanly, took one of the Connecticut charters, and Mr. Talcott, late Gov. Talcott's father, took the other, from Sir Edmund Andross in Hartford meeting house,—the lights blown out."

Rev. Thomas Ruggles, who wrote in 1769, a history of Guilford, in which town he was a minister from 1729 to 1770, succeeding his father, ordained in the same town, 1695, says of Andrew Leete, that "it is said and believed [that he] was the principal

This Assembly fully impower and authorize the Governour, and in his absence the Deputy Governour, with two assistants and three judicious freemen, to manage the publick affairs of the government according to charter, in the intervals of the General Assembly, and that Daniel Wetherell, Esq^{r}, may be in the room of one of the said assistants; always provided, that the Governour and his Council are not hereby impowred to send men out of the government, or raise money.

This Assembly appoint John Hamlin, Esq^{r}, to be Judge of the County Courts in the county of Hartford.

This Assembly appoint Joseph Talcott, Esq^{r}, to be Judge of the Court of Probates in the county of Hartford.

This Assembly appoint John Eliott, Esq^{r}, John Hooker, Esq^{r}, William Whiting, Esq^{r}, Aaron Cook, Esq^{r}, Thomas Hart, Esq^{r}, John More, Esq^{r}, Edward Bulkley, Esq^{r}, Justices of Peace and Quorum for the county of Hartford.

This Assembly appoint Capt. Joshua Robbins, Capt. Thomas Ward, Capt. James Wells, Mr. Joshua Ripley, Lt. Sam^{ll} Hum- [352] phreys, || Capt. Thomas Gates, Mr. Thomas Judd, Mr. Michael Taintor, Mr. Thomas Huntington, and Mr. Thomas Kimberly, Justices of Peace for the county of Hartford.

This Assembly appoint John Allyng, Esq^{r}, to be Judge of the Court of Probates in the county of New Haven.

This Assembly appoint Jonathan Law, Esq^{r}, to be Judge of the County Courts in the county of New Haven.

This Assembly appoint Ebenezar Johnson, Esq^{r}, Joseph Treat, Esq^{r}, Abram Bradley, Esq^{r}, Warham Mather, Esq^{r}, Sam^{ll} Bishop, Esq^{r}, James Wadsworth, Esq^{r}, to be Justices of the Peace and Quorum in the county of New Haven.

This Assembly appoint and impower Mr. Jonathan Law, Mr. Josia Rosseter, Mr. James Hooker, Capt. Nathan^{ll} Harrisson, Mr. Edward Barker, Capt. Thomas Yale, and Capt. John Hall, to be Justices of Peace in the county of New Haven.

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hand in securing and preserving the charter, when it was just upon the point of being given up to Sir Edmund Andross. In his house it found a safe retirement until better times." *Mass. Hist. Coll.* X. 99. Also, *Historical Magazine* for April 1869, p. 231.

Cyprian Nichols and Ebenezer Johnson, who were members at this session of May, 1715, were also members of the Assembly in June, 1687, when sundry of the Court desired that the patent or charter might be brought into the court, which the record leaves in the box on the table, at the adjournment, and with the key in the box. (*ante*, vol. III. 238,) at which time, perhaps, the *original* charter was taken by Messrs. Stanly and Talcott, and concealed, it may be, by Mr. Leete. Messrs. Nichols and Johnson were also members on the 31st of October, 1687, when Sir Edmund Andross assumed the government, and the incident of extinguishing the lights occurred, and the *duplicate* charter was secured by Capt. Wadsworth. How this duplicate, at a subsequent date, narrowly escaped total destruction has been told in a note to the preceding volume. *Ante*, vol. IV. 264.

This Assembly appoint the Hon^ble^ Nathan Gold, Esq^r^, to be Judge of the Court of Probates in the county of Fairfield.

This Assembly appoint Peter Burr, Esq^r^, to be Judge of the County Courts in the county of Fairfield.

This Assembly appoint James Olmstead, Esq^r^, John Minor, Esq^r^, James Judson, Esq^r^, James Bennitt, Esq^r^, John Burr, Esq^r^, John Edwards, Esq^r^, and Joseph Bishop, Esq^r^, to be Justices of Peace and Quorum in the county of Fairfield.

This Assembly appoint Mr. Samuel Peck, Capt. Josia Starr, Mr. Ebene^z^ Mead, and Capt. Joseph Platt, to be Justices of Peace in the county of Fairfield.

This Assembly appoint Richard Christophers to be Judge of the County Courts and Courts of Probate in the county of New London.

This Assembly appoint John Plumb, Esq^r^, Jonathan Prentice, Esq^r^, Nehemia Smith, Esq^r^, Nathaniel Cheesebrook, Esq^r^, Rich^d^ Bushnell, Esq^r^, W^m^ Ely, Esq^r^, Daniel Taylor, Esq^r^, Nathan^ll^ Lynd, Esq^r^, to be Justices of Peace and Quorum in the county of New London.

This Assembly appoint Mr. Dan^ll^ Palmer, Capt. William Clark, Capt. John Parke, Capt. Thomas Williams, Mr. Samuell Buell, Mr. Abram Pierson, and Mr. Moses Noyes, to be Justices of Peace in the county of New London.

[353] This Assembly appoint the Hon^ble^ Nathan Gold, Esq^r^, Rich^d^ Christophers, Esq^r^, Peter Burr, Esq^r^, Samuel Eells, Esq^r^, and Jonathan Law, Esq^r^, Judges of the Superiour Court for the year ensuing, and that the Hon^ble^ Nathan Gold be Chief Judge; and in case of his absence, that [the next] then successively in the abovesaid order supply the place of chief judge; and that if any of the judges beforenamed be providentially hindred from the business of the circuit, so that there cannot be otherwise a quorum, such place shall be supplyed by some other of the assistants, to take place therein according to their standing in the rank of assistants; provided always that none be admitted to sit in judgment in the superior court in that county where he is judge of the county court or court of probates.

Cost allowed Sam^ll^ Bow of Midletown, for his attendance at this Assembly upon the petition of John Hubbard, the sum of twenty four shillings. *Execution granted July 19th*, 1715.

This Assembly grant Capt. Rich^d^ Bushnell, the Speaker, for his good service and conduct in that post this session, thirty shillings out of the Colony treasury.

This Assembly grant unto Mr. Samuel Cook, [Clerk of the Lower House,] for his service in that post this session, twenty five shillings out of the Colony treasury.

This Assembly grant unto Sam[ll] Webster, Sheriff, for his attendance this Assembly, four shillings per diem out of the Colony treasury.

This Assembly grant unto William Goodwin, constable, for his attendance on this Assembly, three shillings per diem out of the Colony treasury, and three shillings for building stages.

It appearing to this Assembly that the debts due from the estate of Joseph Crane, late of Weathersfield, deceased, surmounts the moveable part of that estate the sum of £9. 6*s*. 10*d*.:—This Assembly do therefore upon the petition of Abraham Morriss, administrator of the estate of the said deceased, grant unto him full power to sell so much of the real estate of said deceased as may be sufficient to discharge the said debts, with the approbation of the court of probates in the county of Hartford.

Resolved by this Assembly, That William Pitkin, Esq[r], and the rest of the proprietors holding from or under the legatees of Joshua, sachem, viz. Samuel Wyllys, Esq[r], and several other gentlemen in and about Hartford, who have pretended to hold or have an Indian right or claim to a tract of land now commonly known by the name of Coventry, in the county of Hartford, by virtue of the last will of Joshua, an Indian, for such and so many of the said proprietors as shall accept and comply with the terms and conditions herein after mentioned, shall have a release or quit claim of this governments right or claim, to be signed by the Governour and Secretary, with the seal of this Colony thereunto affixed;—provided, and upon the conditions, and in the manner and form in this act mentioned and limited: In the first place, they, the said claimers, shall procure the bounds of the said town of Coventry to be new laid out according to the original grant of a township, viz. six miles square, beginning on the north side of a tract of land called the Mile and quarter, called Abimilecks land, southerly, and on Willimantuck River easterly; and in the next place, that they pay into the treasury of this Colony the sum of sixty pounds for the same, and also that they shall tender to the inhabitants [354] seated by the said proprietors || on any of their claims within the said six miles, a quit claim of their claims, for the sum of six pounds for each allotment, so commonly called, to be paid by the possessors to the said claimers, with a covenant in the said quit claim that when the right of this corporation is released to the said claimer, full and ample assurances to give

to them the said possessors, as their council learned in the law shall devise or advise; the conditions first abovementioned to be performed before the said patent be executed.

And it is further resolved by this Assembly upon the petition of Windsor men, That they shall, after the regulation of Coventry according to the aforegoing act of this Assembly, have a township of six mile square laid out to them, which shall be called Tolland, bounded on the south with Coventry, and east with Willamantuck River. And in case the said claimers mentioned in the preceding act shall pay in proportion to what is in the said act stated with respect to Coventry, and also do by their inhabitants thereon seated by Windsor committee as in the aforesaid act is provided for the like quantity of land, the said inhabitants settled by Windsor committee to pay all the charges of laying out and settling the said land, that a quit claim of this governments claim shall also be in like manner executed by the Governour and Secretary, and delivered to the claimers for the claim of this government for so much of the said township as shall fall within the bounds of the said claimers.

And it is further resolved, That a quit claim of this governments right shall also be executed in like manner by the Governour and Secretary, to Col^{o} Mathew Allyn and Roger Wolcott, Esq^{r}, Timothy Thrall and John Elsworth, all of Windsor, in trust for themselves and such others as shall by them be admitted to settle in said township, for all that part of said township that lyeth without the bounds of the said proprietors claims as aforesaid; provided they, said Allyn, &c. pay to the publick treasury of this Colony for the said land in proportion to what [is] in this act before stated in respect of Coventry.

And it is further provided, That none of the clauses in the aforegoing acts shall be construed to oblige any of the aforesaid inhabitants seated on any of the said lands, who have procured the claims of the said proprietors and have instruments under their hands to show for the same.

And it is also to be understood and it is hereby resolved, That the said proprietors, if need be, shall give further and better assurances to the said inhabitants to whom the said proprietors have sold their claims and received the money for the same. Provided also, that the abovementioned claimers do or shall well and truly pay or cause to be paid into the Colony treasury the aforesaid sum and sums on or before the first day of May next, or else they shall not claim the benefit of this act, any thing herein contained to the contrary notwithstanding.

This Assembly appoint William Pitkin and Joseph Talcott, Esq., Capt. Cyprian Nickols, Capt. Aaron Cook, and Mr. Ed-

ward Bulkley, a committee to receive the dead stock of bills in the treasurers hands, and thereupon to discharge the said treasurer, and the said bills so received by them to destroy; and that the said committee take an oath to the faithful discharge of the said trust, and return an account of their proceedings therein unto this Assembly in October next.

Cost allowed Joseph Keeny, Hartford, for his attendance at this Assembly upon the petition and citation of Sam[ll] Rizley, of Hartford aforesaid, the sum of 1*l.* 3*s.* 2*d.* *Execution granted August 20th*, 1715.

Cost allowed Joseph Keeny, of Hartford, for his attendance at this Assembly upon the petition of Thomas Wadsworth, of Hartford aforesaid, the sum of 1*l.* 3*s.* 2*d.* *Execution granted December 27th*, 1720.

The aforegoing record of this Assembly was read in the presence of both Houses, and ordered to be signed by the Secretary as perfect and compleat.

HEZ. WYLLYS, Secr'y.

FINIS.

[END OF VOLUME IV.]

[From the Journal of the Upper House.]

HARTFORD, JUNE THE 2D, 1715.

Ordered by the Deputy Governour and Council, that Colonel Mathew Allyn adjust an account with Simon Chapman, of Windsor, respecting billeting Lt. Crocker and his men, in the year 1712, and sign a bill for said Chapman to the treasurer of the Colony accordingly.

Ordered by the Deputy Governour and Council, that Joseph Talcott, Esq[r], take care and set workmen to mend and repair the court chamber in the first meeting house at Hartford, so as may be safe for the courts to be held in the same, at the Colony's charge.

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[68] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JUNE 16TH, 1715.

Present, The Honb[l] Gurdon Saltonstall, Esq[r], Governour.
Daniel Wetherell, Esq[r].
Richard Christophers, Esq[r], *Assistant.*
Nehemiah Smith, Jonathan Prentts, John Plumbe, Christopher Christophers. } Esq[rs], *Justices.*

An Act passed by the General Assembly holden at Hartford May the 12th, 1715, intituled An Act for the receiving and entring all commissions of collectors that shall execute the powers belonging to the said office, was read, and the Governour thereupon sent for Capt. John Shackmaple, who had executed the powers of a collector for some time before, and acquainting him with the said act, gave him opportunity to produce his commission. Whereupon he produced a commission signed by Coll. Robert Quarry, Surveyor General, dated October 1st, 1707, and a commission signed by M. Birchfield, Surveyor General of the northern survey, dated August 9th, 1710, granting him the power of a collector in this Colony. Both which commissions were read.

And the Governour desired the said Capt. Shackmaple, if he had any letters or other papers from the Lord Treasurer formerly, or from the Commissioners of the Treasury, or the Customs, which could satisfie this board that they were privy to his ever being employed as a collector here, to produce them.

But he not offering any such letters or papers, it was considered and resolved, that notwithstanding the commissions so produced, he did not appear qualified with powers for the executing the office of collector in [69] this government, according to the act of Parliament ‖ in the seventh and eighth year of King William the third, intituled An Act for preventing fraud and regulating abuses in the plantation trade, referred to in the act of the Assembly abovementioned.

Resolved, that the clerk of the Council do inform Capt. Shackmaple of this conclusion.

Mr. Christopher Christophers, clerk of the Council, produced to this board an account of several services he had performed for this Colony from June 11th, 1713, to this present day, in all amounting to the sum of 12*l.* 18*s.* 00*d.* which being read and considered, was allowed and ordered to be kept on file, and that the said Mr. Christophers shall pay himself out of the impost money now in his hands, the said sum of 12*l.* 18*s.* 00*d.*

Orders were this day made out to the Treasurer for the payment of the gentlemen of the Council for their last years service.

At a meeting of the Governour and Council in New London, June 22d, 1715.

Present, The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.
Daniel Wetherell, Esq^r^,
Richard Christophers, Esq^r^, *Assistant.*
Jonathan Prentts, John Plumb, } Esq^rs^, *Justices.*
Christopher Christophers.

Pursuant to an act made at the General Assembly holden at Hartford the 13th day of May anno Domini 1714, intituled An Act for the preservation of timber and preventing the exportation thereof,

Resolved, that the naval officers of all the ports shall take bond of all [70] masters loading staves in ‖ the respective ports, in the form following, viz. :—

Know all men by these presents, that we ————————————, do acknowledge ourselves to owe, and stand justly indebted unto ————————, naval officer of the port of ————————, in the full and just sum of ———— pounds, current money of the Colony of Connecticut; to be paid to him the said ————————, or his successor: for the true performance whereof we bind and oblige ourselves, our heirs, executors and administrators, joyntly and severally, firmly by these presents. Sealed with our seals, and dated in ————————, this —— day of ————, in the —— year of his Majesties reign, annoq; Dom. ——

The condition of the above obligation is such, that whereas by an act made at a General Assembly holden at Hartford the 13th day of May, anno Domini 1714, intituled An Act for the preservation of timber, and preventing the exportation thereof, it is provided that no master of any vessel shall take on board of the said vessel any quantity of staves before entry made with the naval officer in the port where he shall so lade with staves, and bond given with sureties, to such naval officer, not to export them contrary to this act, viz. to the governments of Massachusetts Bay, New York, New Jerseys, Rhoad Island, and New Hampshire, until he has paid the duty by said act laid upon them. Now in case the above bounden ———————— shall export the staves which he shall take on board his vessel within the port of ————————, where she now lies, unto some other port or place than those mentioned in the said act, and not to any port of either of the said governments of Massachusetts Bay, New York, New Jerseys, Rhoad Island, or New Hampshire, before he has paid the duty to the said naval officer, by the said act laid upon them, and shall within twelve months after the date of this present bond, produce a certificate to the said naval officer under the hand of the collector or naval officer of the port where he shall unlade the said staves, that he has so unladed the said staves in [71] some port not belonging ‖ to any of the beforementioned governments, or shall in like manner produce the like certificate under the oaths of two sufficient witnesses, then this obligation to be void and of none effect, or otherwise to remain in full force and virtue.

Resolved, that blank copies of the preceding form be forthwith sent to the naval officers, with positive direction, that all staves shipped before such bond given should be seized by them, pursuant to said act; excepting only such as shall appear to them to be qualified for exportation according to an act made at the Assembly holden at Hartford the 12th day of May last.

Resolved, that the printer be directed to take off fifteen hundred and forty copies of the new laws.

At a meeting of the Governour and Council in New London, July 6th, 1715.

Present, The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.
William Pitkin, Richard Christophers, } Esq^rs^, *Assistants.*
Nehemiah Smith, Jonathan Prentts, John Plumb, Christopher Christophers. } Esq^rs^, *Justices.*

It having appeared to this board upon examination had thereon, that Jeremiah Wilson of New London, master of a sloop named the Ann, belonging to the said New London, did on or about Monday last, sail with his said vessel laden with certain goods, out of the said port of New London, without clearing his said vessel with the naval officer in the said port, according to an act of Parliament made in the 7th and 8th year of the late King William the third, intituled An Act for pre-
[72] venting frauds, and regulating || abuses in the plantation trade, requiring the same,—

Ordered, that the naval officer of the said port do, as soon as may be, take the proper steps for recovering all such penalties or forfeitures as are incurred by the said offence in sailing out of the said port, by virtue of the aforesaid act, which makes such masters and vessels as sail without clearing out of any of the ports of the plantations, liable to the same penalties and forfeitures which may be incurred by the like offence by any masters of vessels or vessels in England, by virtue of an act of Parliament made in the 14th year of the reign of King Charles the second, intituled An Act for preventing frauds and regulating abuses in his Majesties customs; unless the said Wilson can shew, or it shall otherwise appear, that he had, according to the forementioned act, cleared his said vessel with any lawful officer in any other port, impowered to grant such clearing.

Ordered, that Wednesday next, or as soon as may be, the Indians under command of Capt. James Avery and Capt. Manassah Minor, in the expedition against Canada, in the year 1709, who are presented by said captains as deserting from that service, with his Majesties arms and several things belonging to his Majesties stores, be brought before the Governour and Council to give an account of the arms, &c. which they so deserted with; and that a warrant be drawn to the said captains, or either of them, accordingly.

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[73] At a meeting of the Governour and Council in New London, July 8th, 1715.

Present, The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.
William Pitkin, Richard Christophers, } Esq^rs^, *Assistants.*

John Plumb, Esq^r, *Justice.*
Mr. John Pickett,
Christopher Christophers.

The Governour and Council considering that several persons have lately transported to and sold, or otherwise disposed of in this Colony, a considerable number of Carolina Indians, as they are commonly called, that is to say, Indians of those nations in and about South Carolina, which are in open hostility against his Majesties subjects there, and have committed many cruel and bloody outrages upon them; and that unless speedy care be taken to prevent it, there is danger that greater numbers of them may be imported, whereby our Indians may be tempted to draw off to those enemies, and many other great mischiefs may ensue thereon, to the great hurt both of this and other his Majesties Colonies upon this continent.

For the preventing of which, the Governour and Council, pursuant to the trust reposed in them, as otherwise, so particularly by a special act of the General Court committing this, among other affairs, to their care till the next General Court, have resolved, and it is hereby resolved, that a prohibition shall be published against the importation of any Indian slaves whatsoever.

That orders be given to all the officers for entring of vessels, not to suffer any entry of vessels which have such Indians on board, or that may be justly suspected such, till the master has given bond, with two [74] sufficient sureties, ‖ to such officer, for the use of the government, to the value of fifty pounds for every Indian, that he shall transport them again within twenty days after the date of the said bond out of this Colony, and not return with them or any of them again.

That all such Indians as shall be brought into this government, from and after this present eighth day of this instant July, shall be put into the strictest custody; and that effectual care shall be taken for that end by any of the assistants or justices of peace, as also to prevent their communication with any Indians in this his Majesties Colony; and that they remain so confined and secured until further order, unless the master or owner of such Indian or Indians shall give bond before such assistant or justice of the peace as shall imprison them or otherwise secure them as aforesaid, with sufficient sureties, to the value of fifty pounds for every Indian, to be paid to the treasurer of this Colony, or his successor, that such Indian or Indians shall be exported out of the Colony within twenty days after the date of such bond, not to return again.

That this order shall continue and abide in force 'till the next session of the General Court shall be ended, or till the said General Court shall order otherwise.

That a proclamation be issued accordingly.

[75] At a meeting of the Governour and Council in New London, August 4th, 1715.

Present, The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.
Daniel Wetherell, Esq^r^,
Richard Christophers, Esq^r^, *Assistant.*
Jonathan Prentts, Esq^r^, *Justice.*
John Plumbe, Esq^r^, *Justice.*
Christopher Christophers.

Francis Smith, of Plainfield, complained that he, the said Smith, having brought an action of trespass contra Thomas Roberts, Ebenezer Cooper, and Stephen Jordan, for cutting down the grass of a certain piece of meadow, lying on Moosups River, east of Plainfield, of which the said plaintiff has been peaceably possessed for the space of eleven years, and held the same, and in the behalf of the proprietors of Warwick, in Rhoad Island Colony, for the space of three years last past; which action was brought before Mr. Justice Williams, of Plainfield, July the 18th, 1715, and the defendants appearing, pleaded several things in abatement of the writ, which being overruled by the said justice, the defendants by their attorneys appealed to the county court to be holden at New London the 4th Tuesday of November next; and that since the said appeal, the action thus depending, the said defendants continue to cut and improve the said meadow, to the great damage of the said plaintiff; whereby he is in danger before the said court of November to have his whole grass carried away, which may hazard the ruin of his stock in the winter season: Wherefore he moves for an order from this board to save him from the intrusion of the said defendants 'till they have answered for the trespass laid against them.

Upon a full consideration of the case, it is resolved, that this case be [76] laid before the General Assembly || in October next, and it be recommended to their consideration, that a proper law in this and such like cases be provided, to secure such as upon enquiry or otherways may be found in the possession of houses and land from all forcible invasions and intrusions upon them, that other persons may make upon such their possessions.

At a meeting of the Governour and Council in New London, August 13th, 1715.

Present, The Honourable Gurdon Saltonstall, Esq^r^, Governour.
Daniel Wetherell, Esq^r^,
Richard Christophers, Esq^r^, *Assistant.*
Nehemiah Smith, Jonathan Prentts, John Plumbe, } Esq^rs^, *Justices.*
Christopher Christophers.

Mazeen and Tan-ta-pans eldest son, and Ombehunt, Tan-ta-pans cousin, Niantick Indians, complained that some of the Indians of their body, being induced by drink or otherways, had consented that some English men should inclose in pasture a considerable quantity of the 300 acres of land at Niantick, which the government has established for the annual improvement of the said Niantick Indians, to provide themselves with corn; by which means they have for several years lost all the corn they have planted in the other parts of it, by cattle and horses breaking out of the said pasture into their planting fields, and by the neglect of making up the general fence since the taking in of the aforesaid pasture by a particular fence; and desire that some order may be given for the preventing this wrong for the future.

Whereupon it is resolved, that Mr. Justice Smith of Groton, and [77] Mr. Justice Prentts of New London, ‖ be overseers of the Indians and their affairs till further order.

And that the said overseers take care that the whole 300 acres aforesaid be kept in the best manner for the use of the said Indians in planting; and that none of the said Indians be allowed to lease out for pasturage any of the said land, or any person be allowed, under pretence of hiring of any of the said Indians or otherwise, to fence or keep in fence for particular use, any part of the said 300 acres, without leave first had and obtained from the General Assembly or this board, or from the said overseers.

Resolved, that for the better direction of the Indians in the ordering of their own affairs, a council shall be appointed among them, who upon any difficulty arising, which may be too hard for their direction, may apply themselves to the aforesaid overseers, or to this board. And whereas the beforenamed Mazeen and one Pyamco, are the survivors of a council in like manner formerly appointed: Ordered, that the aforenamed Tan-ta-pans eldest son, and Ombehunt, Tan-ta-pans cousin, be added to them, to serve as the Indian Council there, 'till further order.

[Volume V.]

[1] *CONNECTICUT COLONY.*

At a General Assembly holden at New Haven, in his Majesties Colony of Connecticut, in New England, on Thursday, the 13th day of October, in the second year of the reign of our Sovereign Lord George, King of Great Britain, &c., Annoque Dom. 1715.

Present at this Assembly,

The Honourable Gurdon Saltonstall, Esq^{r}, Governour.
The Honourable Nathan Gold, Esq^{r}, Deputy Governour.

John Hamlin, Esq^{r},
William Pitkin, Esq^{r},
Joseph Curtice, Esq^{r},
Peter Burr, Esq^{r},
John Alling, Esq^{r},
Mathew Allyn, Esq^{r},
Samuel Eells, Esq^{r},
Joseph Talcott, Esq^{r},
Abram Fowler, Esq^{r},
John Sherman, Esq^{r},
Roger Wolcott, Esq^{r}.

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz:

Capt. Aaron Cook, Ensign John Marsh, for Hartford.
Capt. James Rogers, Lt. John Richards, for New London.
Capt. Nath^{ll} Cheesbrough, Capt. Manasseth Minor, for Stonington.
Capt. James Wadsworth, Mr. Caleb Seward, for Durham.
Mr. John More, Capt. Timo. Thrall, for Windsor.
Mr. John Hooker, Mr. John Wadsworth, for Farmington.
Capt. William Ely, Mr. Thomas Lee, for Lyme.
Mr. Nathaniel Yale, Mr. Samuel Bishop, for New Haven.
Capt. Joseph Wakeman, Lt. Richard Hubbell, for Fairfield.
Capt. Joshua Robbins, Mr. Edward Bulkley, for Weathersfield.
Lt. Joseph Rockwell, Serj^{t} William Savage, for Midletown.
Mr. John Griswold, Mr. Sam^{ll} Buell, for Killingsworth.
Capt. Thomas Williams, Mr. John Smith, for Plainfield.
Capt. James Judson, Capt. John Coe, for Stratford.
[2] Mr. Edward Barker, Mr. Joseph Foot, for Brandford.
Capt. Richard Bushnell, Lt. Joseph Becchus, for Norwich.
Capt. Dan^{ll} Brainerd, Mr. Hez. Brainerd, for Haddam.
Capt. William Clark, Mr. Eleaz. Fitch, for Lebanon.
Mr. Michael Tainter, Mr. Eben^{z} Coleman, for Colchester.
Capt. James Bebee, Capt. Josia Starr, for Danbury.
Capt. Andrew Ward, Mr. Peter Talmon, for Guilford.
Mr. Joshua Ripley, Mr. Joseph Cary, for Windham.
Mr. Sam^{ll} Addams, Mr. Sam^{ll} Butt, for Canterbury.
Capt. Tho. Huntington, Serj^{t} John Roys, for Mansfield.
Mr. Jonath. Bates, Mr. John Hoyt, for Stanford.
Mr. Gershom Lockwood, Mr. Caleb Knap, for Greenwich.
Mr. Tho. Kimberly, Mr. John Hubbard, for Glassenbury.
Capt. Titus Hinman, Lt. Joseph Minor, for Woodbury.
Mr. Nathan^{ll} Chapman, Mr. Dan^{ll} Buckingham, for Seybrook.
Mr. William Morgan, Mr. Nicho. Street, for Groton.
Capt. John Merriman, Capt. John Hall, for Wallingsford.
Col^{o} Eben^{z} Johnson, Serj^{t} John Riggs, for Derby.
Capt. John Parke, Lt. Dan^{ll} Brewster, for Preston.
Mr. Eben^{z} Brook, for Kellingley.
Mr. Joseph Phelps, Mr. John Pettibone, for Symsbury.
Mr. Jonath. Law, Mr. Zac. Baldwin, for Milford.

Mr. Thomas Judd, Mr. John Hopkins, for Waterbury.

Mr. John Hooker, Speaker, } of the House of Representa-
Mr. Jonathan Law, Clerk, } tives.

This Assembly do establish and confirm Mr. Ephraim Minor of Stonington, to be Captain of the second company or trainband in the town of Stonington aforesaid.

This Assembly do establish and confirm Mr. Ichabod Palmer of Stonington, to be Lieutenant of the second company or trainband in the town of Stonington aforesaid.

This Assembly do establish and confirm Mr. Samuel Minor of Stonington, to be Ensign of the second company or trainband in the town of Stonington aforesaid.

This Assembly do establish and confirm Mr. Thomas Judd of Waterbury, to be Captain of the company or trainband in the town of Waterbury.

[3] This Assembly do establish and confirm Mr. Joseph Addams of Canterbury, to be Lieutenant of the company or trainband in the town of Canterbury aforesaid.

This Assembly do establish and confirm Mr. Edward Spaldin of Canterbury, to be Ensign of the company or trainband in the town of Canterbury aforesaid.

Upon application made to this Court by several inhabitants of the town of Pomfret for leave to gather a church and ordain an orthodox minister, it is hereby granted to them.

Upon application made to this Court by several inhabitants of the town of Kellingley for leave to gather a church and ordain an orthodox minister, it is hereby granted to them.

This Assembly do establish and confirm Mr. Joseph Wright of Colchester, to be Captain of the north company or trainband in the town of Colchester aforesaid.

This Assembly do establish and confirm Mr. John Skinner of Colchester, to be Lieutenant of the north company or trainband in the town of Colchester aforesaid.

This Assembly do establish and confirm Mr. Nathaniel Lummiss of Colchester, to be Ensign of the north company or trainband in the town of Colchester aforesaid.

Upon the petition of Nathaniel and Sarah Pond: Resolved, that Caleb Ferriss and Joshua Ferriss, brethren to the said deceased, are hereby impowred to lease the estate of the deceased for so long a time as may answer the debts, not exceeding the term of eleven years, provided they will pay the debts within six months; or to sell some of the lands for that end to the best advantage of the orphans, according to their

desires, provided they procure the money and pay the debts within half a year. And upon the neglect of the said brethren till May next, then the said Pond and Capt. Byshop are hereby enabled to sell so much of the said Ferriss land as will pay the said debts; provided that when the lands abovementioned are sold, it be with the advice and approbation of the court of probate in the county of Fairfield.

[4] This Assembly do establish and confirm Mr. Joseph Whiting of New Haven, to be Captain of the troop in the county of New Haven.

This Assembly do establish and confirm Mr. George Allyn of Milford, to be Lieutenant of the troop in the county of New Haven.

This Assembly do establish and confirm Mr. John Russell of Branford, to be Cornet of the troop in the county of New Haven.

This Assembly do establish and confirm Mr. Daniel Sherman of New Haven, to be Quartermaster of the troop in the county of New Haven.

Upon application made by Thomas Stanton, representing that Mr. Daniel Stanton, sometime of Stonington, deceased, having signed and sealed a deed bearing date in the year of our Lord 1681, conveying to him, the said Thomas Stanton, a certain tract of land containing sixty acres in quantity, lying in the limits of the town of Stonington aforesaid, bounded on the north by a small run of water adjoyning to land belonging to the said Thomas Stanton, on the east with Pawcatuck river, on the south to a small brook called the Hot House brook, and that the said deed being lawfully witnessed, the said Daniel Stanton died before a lawful acknowledgment of it,—pray'd an act of this Assembly to supply that defect: It appearing to this Court that Mr. Samuel Stanton and Mr. Nicholas Cotterell made oath before Samuel Mason, assistant, February the 9th, 169$\frac{8}{9}$, that they signed as witnesses thereunto, and further the said Nicholas Cotterell made oath before Thomas Hiscox, justice of peace in Westerly, in the Colony of Rhode Island, October 8th, 1715, that he did verily believe that he saw Daniel Stanton, the subscriber to the aforesaid deed, sign and seal the same, and that he, together with Mr. John Stanton, Mr. Samuel Stanton, and Mrs. Anna Stanton, set their hands to as witnesses, which was ordered to be indorst and signed by the secretary.

Be it thereupon enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said deed be taken as good and effectual to

all intents and purposes in the law as it might or could have been, if the said deed had been acknowledged by the grantor [5] as the law directs, and that this act be indorst || upon the said deed, and shall be signed by the secretary, and received as a good, sufficient testimonial of the authentication of the said deed.

For the better regulating and ordering the Proceedings in the General Assembly relating to Petitions in Controversal Matters.

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That from and after the present sessions of this Assembly, all petitions brought to the Assembly shall be entered with the secretary at or before the first Tuesday which shall be next after the opening of the said Assembly; and all summons for the adverse party to appear and answer to the said petitions shall be for their appearance on the said Tuesday.

And it is further enacted, That whatsoever petitioner shall not appear on the next Wednesday after the first day of the said court to prosecute his said petition, his petition shall abate, any law, usage or custom to the contrary notwithstanding.

The gentlemen nominated by the votes of the freemen, brought in to this Assembly, to stand for Election in May next, are as followeth, viz:

The Honourable Gurdon Saltonstall, Esq^{r}, the Honourable Nathan Gold, Esq^{r}, John Hamlin, Esq^{r}, William Pitkin, Esq^{r}, Joseph Curtice, Esq^{r}, Richard Christophers, Esq^{r}, Peter Burr, Esq^{r}, John Allyn, Esq^{r}, Samuel Eells, Esq^{r}, Mathew Allyn, Esq^{r}, Joseph Talcott, Esq^{r}, Abram Fowler, Esq^{r}, John Sherman, Esq^{r}, Roger Wolcott, Esq^{r}, Mr. John Hooker, Mr. Jonathan Law, Capt. Richard Bushnell, Mr. Warham Mather, Mr. John Eliott, Capt. Joseph Wakeman.

The Report from the Committee appointed to consider in what manner we may best pursue the Endeavours of our Agent to prevent the Vacating our Charter by the Bill brought into the House of Commons, a copy of which he sent us in his letter of the 20th of August last.

The Committee, upon searching the entry of letters and instructions formerly sent our agent at sundry times by the honourable our Governour, and particular the 27th October, 1712, on the report of a motion in Parliament to vacate our charter, are of opinion those instructions are very proper, and the best [6] we can give in the present case, || and sufficient to support the truth of all the articles in the Case of our Colony,

printed by our agent on this occasion, and that being made good, we may hope to be saved out of the bill.

The Committee are of opinion, the best thing we can further do to encourage our agent, and enable him to make the best defence he can for us is, to supply him with money sufficient to answer the extraordinary charges thereof; and the committee being informed that upon a debate in Council of the great difficulty of our paying money in England, the honourable our Governour was pleased generously to offer to give the Colony credit in England upon his own account, they are of opinion to accept his honours offer is the best way we can take in this case, and that the thanks of this Assembly be given to his honour for his great concern to secure our priviledges, and free offer of his own estate to serve the Colony in this difficulty, and that the treasurer be ordered to deliver what money is or shall be expended upon this occasion, and an account thereof given by our agent to the Governour, above and beyond what money is already lodged in the Governours hands against such like difficulties as this, shall be by his honour drawn out of the treasury of this Colony at any time. And that his honour be desired to give the hearty thanks of this Assembly to our agent for his faithful care and great diligence exprest on all occasions, and particularly in this critical juncture, for the general good of this Colony and the defence of our valuable priviledges, and encourage him to use his utmost endeavours to save our Colony out of that bill, and spare no cost that he may judge necessary for that end, assuring him the Colony will readily and cheerfully answer it. And further, that the treasurer is hereby ordered to deliver to his honour the sum of three hundred pounds, to be lodged in his honours hands for the uses aforesaid. This report being considered, approved and past by this Assembly.

Liberty and full power is granted by this Assembly to Abigail Gibbs, administratrix on the estate of her husband, Jacob Gibbs, late of Windsor, deceased, to sell such a part of the [7] real estate of the deceased as may be needful || to discharge the debts due from the said estate, with the advice and approbation of the court of probates in the county of Hartford.

Upon the petition of Daniel Clark of Midletown, this Assembly grant him liberty to purchase about two acres of land of an Indian called Conschoy, which land lyeth on an island within said Midletown bounds, commonly called Wongung island.

Upon the petition of Sarah Waters, relict of Isaac Waters, late of Lyme, deceased, and administratrix to his estate, for

liberty to sell so much of the lands of the deceased as may pay the debts of the deceased: The abovesaid petitioner is by this Assembly allowed and hereby authorized to sell so much of the lands abovesaid as will be sufficient to pay the debts aforesaid as the court of probate in the county of New London shall direct.

An Act for the better Preservation and Increase of Deer within this Colony.

Whereas the killing of deer at unseasonable times of the year hath been very much to the prejudice of this Colony, great numbers whereof having been hunted and destroyed in deep snows when they are very poor and big with young, the flesh and skins of very little value, and their increase greatly retarded,

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That no person or persons, Indian or others whatsoever, within this Colony, from and after the fifteenth day of January in this present year, 1715, till the first day of July anno Dom. 1716, and so from the middle of January till the first day of July annually, forever hereafter, shall anyways whatsoever kill any buck, doe or fawn, on pain that such person or persons so offending shall forfeit the sum of ten shillings, currant money, for the first offence, twenty shillings for the second offence, and forty shillings for the third offence, and so three pounds for every offence afterward; to be heard and determined by any one assistant or justice of the peace; one half of which penalty to be to the county treasury in which the said offence is committed, and the other half to him or [8] them that shall prosecute the same to effect. || And if any person or persons offending as aforesaid shall not have estate sufficient to pay his or their fine or fines, he or they shall for the first offence work twenty days, and for the second offence thirty days, and for the third offence fifty days, as shall be determined and directed by the authority before whom the cause shall be heard, and the wages be improved to the end aforementioned. And if any venison, skin or skins of any buck, doe or fawn newly killed, shall at any time within the aforesaid months wherein they are by this act prohibited to be killed, be found with or in the possession of any person or persons whatsoever, such person or persons shall be held and accounted guilty of killing deer contrary to the intent of this act, as fully as if it was proved against such person or persons by sufficient witnesses viva voce, unless such person or persons

do bring forth or make proof who was the person or persons that sold or killed the same.

This Assembly do establish and confirm Mr. Ebenezer Steel of Farmington to be Lieutenant of the first company or trainband in the town of Farmington aforesaid.

Upon the petition of Nathaniel Johnson: It is ordered that a jury shall be appointed by the court of probate to apprize all the land which Abraham and John Hoadly held at a place called Worlds End, as part of what was their fathers estate, and to be computed as part of their portion, and that no cost be allowed in this case.

Upon the petition of the inhabitants of Horseneck: It is resolved, that Major Peter Burr, Capt. Joseph Wakeman, and Mr. Richard Hubwell be a committee, who upon the only charge of the said inhabitants shall go among the said people at Horseneck and manage and endeavour to bring them to an agreement that shall be effectual; or if that fail, then to make their report of the difficulties they find to the General Assembly to be holden in May next, who will then take further measures.

[9] Whereas in the printed law book, in the law tituled Sabbath, page 104, no provision is made to prevent vessels sailing up and down the great river of Connecticut on the sabbath day, which the masters of vessels taking the advantage of, do frequently and without restraint pass up and down said river on said day.

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That if any vessel shall sail or pass by any town or parish lying on said river, where the publick worship of God is maintained, or shall weigh anchor within two miles of said place, unless to get nearer thereto on the sabbath day, any time betwixt the morning light and the sun setting, the master of such vessel shall be liable to the like penalty as if he had departed out of a harbour, any former usage or custom to the contrary notwithstanding.

Upon the petition of Benjamin Wilmot, administrator on the estate of William Wilmot, late of New Haven, deceased: It is ordered that the petitioner shall have full power, with the advice and direction of the court of probates in the county of New Haven, to sell a house, barn and homestead, lying in New Haven, being part of the estate of the abovenamed William Wilmot, deceased, for the payment of the debts of the said deceased; the said estate to be sold to the highest bidder,

and the next heirs of the said deceased to have the first offer thereof.

This Assembly order a tax of three pence upon the pound on the grand list.

This Assembly grant a salary of two hundred pounds to the hon^ble^ the Governour, and of fifty pounds to the hon^ble^ the Deputy Governour.

Whereas Capt. Joseph Whiting, Treasurer of the Colony of Connecticut, has shewn to this Assembly, under the hands of William Pitkin, Joseph Talcott, Esq^rs^, Capt. Cyprian Nickols, Capt. Aaron Cook, Mr. Edward Bulkley, appointed by the [10] General Court holden at Hartford || in May last, to receive of the said treasurer all the bills of credit drawn in by rates then in his hands, that he has delivered the full sum of such bills that were to be drawn in by the rates for that end made, including the rate made in October, 1713, according to the computation made by the auditors of the Colonies accounts in their audit of May, 1715,

Be it therefore enacted, and it is hereby enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said Joseph Whiting, his heirs, executors and administrators, be and they and each of them are hereby discharged and acquitted from all manner of demands that may be made upon him or them, of, about or concerning any such bills of credit that were to be drawn into the treasury by the rate made in October, 1713, or by any other preceding rate whatsoever.

A List of Estate of the several Towns in this Colony, delivered in at the General Assembly, October, 1715.

	l.	*s.*	*d.*		*l.*	*s.*	*d.*
Hartford,	19997	01	0	New Haven,	21384	16	2½
New London,	10740	15	0	Fairfield,	17626	06	6
Stratford,	15260	01	0	Wallingford,	9452	00	0
Midletown,	11909	09	0	Canterbury,	3138	00	0
Killingsworth,	4225	14	0	Glassenbury,	3837	02	0
Milford,	14924	12	5	Waterbury,	2100	15	0
Stonington,	8442	10	0	Farmington,	10519	16	0
Norwich,	13052	09	6	Haddam East,	4871	02	0
Lebanon,	7356	18	8	Plainfield,	2943	00	0
Woodbury,	4772	00	0	Mansfield,	2258	00	9
Haddam West,	2983	16	0	Windham,	5740	02	0
Greenwich,	6239	00	0	Derby,	3095	18	6
Branford,	7516	19	6	Stamford,	9176	10	9
Norwalk,	8438	10	5	Preston,	5567	14	10
Groton,	9638	00	0	Danbury,	3953	16	0

	l.	*s.*	*d.*		*l.*	*s.*	*d.*
Weathersfield,	14739	03	6	Windsor,	15827	06	6
Lyme,	8678	06	0	Colchester,	5212	14	6
Durham,	2770	17	6	Seybrook,	8354	03	0
Guilford,	13577	19	1	Symsbury,	4509	13	6
Addition to Hartford is	720	00	0	Addition to Woodbury is,	36	00	0
Addition to Milford,	122	14	0	Addition to Stratford,	79	14	0
Addition to Windham,	150	00	0	Addition to Glassenbury,	398	12	0
Addition to Windsor,	146	00	0	Fourfold addition to Norwich,	134	00	0
Addition to New Haven,	061	08	0	Fourfold addition to New Haven,	713	00	0

[11] Whereas by an act made by this Assembly at their session in New Haven at October last, it is provided that the Reverend Mr. Woodward, pastor of the church in Norwich, should be paid by the town of Norwich, as his salary for that year, seventy pounds in pay and fifteen pounds in money, according to the agreement of the said town with him, and that in the said payment wheat should be reckoned at 5*s.* 6*d.* per bushel, Indian corn at 2*s.* 6*d.*, rye at 3*s.* 6*d.* per bushell, with a liberty for such as would, instead of pay, to pay their whole rate in money: and whereas this act was to extend to the currant year only: It is now enacted and ordered that the rate of the present year shall be and be paid in the like proportion and manner, and shall be gathered by the constable or constables of said town.

Upon the petition of Samuel Webb of Stanford, praying this Assembly to grant him liberty of having another tryal in the superiour court to be holden at Fairfield in March next, of an action brought against him by Samuel Hoit, of Stamford aforesaid, and upon which judgment passed against the petitioner in the superiour court holden at Fairfield in September last: This Assembly do allow the petitioner liberty of another tryal of his said action, at the superiour court to be holden at Fairfield in March next, the said petitioner paying the past and present charges. Cost allowed Samuel Hoit for his attendance at this Assembly to answer the aforesaid petition is, 0*l.* 15*s.* 8*d.*

Upon the petition [of] Jonathan Bingham and Ralph Wheelock, of Windham, guardians to the bodies and estate of the children of Elisha Smith, late of Windham, deceased, shewing that the said Smith did in his life time mortgage to Mrs. Eliz-

abeth Wilson, a hundred acres of land lying in Windham, for the sum of 20*l.*, which mortgage is near expired, and therefore praying this Assembly to impower the petitioners to sell so much of said land as may be sufficient to answer the sum due by reason of said mortgage: This Assembly do impower the petitioners to sell so much of said lands as shall answer the sum owing from it by virtue of said mortgage; provided they procure the money and take up the mortgage before they make the conveyance.

An Act for levying a Tax on Polls and other Rateable Estate.

Whereas by an act passed by the General Assembly of the [12] Colony || holden at New Haven, October 12th, 1710, entituled An Act for making and emitting of bills of publick credit, the sum of five thousand pounds in the said bills was emitted, which have been since paid out of the treasury for the satisfying the debts of the Colony: And whereas the said Assembly, for the repayment and drawing in the said bills to the treasury again, by their act did grant a tax or rate of five thousand two hundred and fifty pounds, as money, to be levyed on polls and all rateable estate within this Colony, within the space of eight years next ensuing the date of the said act, and so much thereof in each of the eight years as this Assembly should after order and appoint.

It is now ordered and enacted by this Assembly, That for the drawing in the remaining part of the said bills into the treasury of this Colony [there] shall be levyed and collected, as the remaining part of the said tax or rate granted as aforesaid, the sum of three pence on the pound on the polls and all the rateable estate within this Colony, [to be levyed in the said bills of credit,] or in money, as it shall generally pass in New England at the time of payment, as is provided in an act passed by the General Assembly of this Colony holden at New Haven August the 4th, 1710, entituled An Act in addition to and for repealing one clause or paragraph in the act made and passed by the General Assembly of this Colony, begun and held at Hartford May the 11th, 1710, intituled An Act for the better regulating and giving a more effectual currency to the bills of credit.

Whereas it appears by the agreements of the Commissioners appointed by the Province of the Massachusetts Bay and the Commissioners of the Colony of Connecticut, on the settling the dividend line between the said Province and Colony, and it was agreed and concluded that the said Colony of Connecticut should have 105793 acres of land then to be taken within the ungranted lands of the said province, part of which 105793

acres of land are since laid out and taken up by the said Colony, and the other part yet remains unsurveyed: Now, for a full disposition of said lands: This Assembly do hereby appoint and impower William Pitkin, Mathew Allyn, Joseph Talcott, Roger Wolcott, Esq[rs], and Capt. Aaron Cook, or any three of them to be a quorum, to make sale of the said 105793 acres of land, in the name and behalf of this corporation, instruments to give and execute for the conveying and passing over [13] the 105793 acres of land || or any part or parcel thereof to the highest bidder, to have and to hold, enjoy and possess the same, to them and their heirs forever, in as good right and title as this Colony now hath or ever might or could have by virtue of the said agreement and conclusion of the commissioners aforesaid; the said William Pitkin, Mathew Allyn, Joseph Talcott, Roger Wolcott, and Aaron Cook, to be honourably regarded out of the money gained by the sale of said lands; and that there shall be paid out of the moneys gained by the sale as aforesaid, five hundred pounds to the trustees of the Collegiate School, for the building a college house; the residue of said moneys, to be attained as aforesaid, to be put into the treasury for the use of the Colony.*

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That from and after the publication hereof, all personal actions brought against any settled inhabitant in this Colony shall be heard and determined in the county where the defendant dwells, or in the county where the plaintiff is a settled inhabitant, any law, usage or custom to the contrary notwithstanding.

Whereas in May anno Dom. 1714, it was by the Governour, Council and Representatives in General Court assembled, recommended to the General Association of the Churches in this Colony, to enquire into the state of religion in this government: in complyance wherewith the said association, upon due enquiry made, reported to this Assembly at this time the several following heads, viz.:

1. A want of bibles in particular families.

* These 105793 acres of land were bid off for £683 by William Pitkin, in behalf of several persons, mostly residents of Massachusetts, at a vendue holden at Hartford, April 24th and 25th, 1716. The deed is recorded in Col. Record of Deeds, Patents, &c. III. 194–199.

The price obtained, or the conduct of the sale, gave much dissatisfaction. Mr. Pitkin appeared before the Lower House, June 4th, 1716, and made his justification concerning the reports made before the House respecting the sale of the equivalents. In October, 1716, the Upper House passed a vote that the proceedings of the commissioners in that affair have been with a just regard to the interest of the Colony, and that there is no reason that they should be supposed as failing in their management of what was committed to them; but the Lower House was of opinion that it was not convenient for them to pass any vote at all upon this bill, either to affirm or deny the same. Journals, L. H, June 4 and Oct. 24, U. H., Oct. 23, 24, 1716. Col. Bound. III. 56.

2. Remissness and great neglect of attendance on the publick worship of God upon sabbath days and other seasons.

3. Catechizing being too much neglected in sundry places.

4. Great deficiency in domestical or family government.

5. Irregularity in commutative justice upon several accounts.

6. Talebearing and defamation.

7. Calumniating and contempt of authority and order, both civil and ecclesiastical.

8. And intemperance; with several other things therein mentioned.

[14] The which particular heads this Assembly hath now considered, and are fearful that there hath been too great a neglect of a due execution of those good laws already enacted amongst us, for the prevention of such decays in religion.

It is therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all judges and justices of the peace in the respective counties in this Colony be diligent and strict in putting in execution all those laws and acts of this Assembly made for the suppressing and punishing all or any of the aforementioned immoralities and irreligious practices, that thereby the good end proposed in such acts and laws may be attained.

That the selectmen, constables and grand jurors, in the respective towns in this Colony shall from time to time strictly observe the following directions:

To a due execution of the law of this Colony intituled (Children to be educated,) in all and every the several parts and paragraphs of the said act.

That the selectmen make diligent enquiry of all householders within their respective towns, how they are stored with bibles; and upon such enquiry, [if] any such householders be found without one bible at least, that then the said selectmen shall warn the said householders forthwith to procure one bible at least, for the use and benefit of the said family; and if the same be neglected, then the said selectmen shall make return thereof to the next authority; and that all those families who are numerous, and whose circumstances will allow thereof, shall be supplyed with a considerable number of bibles, according to the number of persons in such families; and that they see that all such families be furnished with suitable number of orthodox catechisms, and other good books of practical godliness, viz. such especially as treat on, encourage and duly prepare for the right attendance on that great duty of the Lord's Supper.

That the constables and grand-jurymen in the respective [15] towns ‖ in this Colony shall make diligent search after and presentment of all breaches of the following laws of this Colony:

1. An Act intituled Children to be Educated.
2. The two last paragraphs of the law intitled Ecclesiastical.
3. The first paragraph of the law intituled An Act for the better detecting and more effectual punishing Prophaneness and Immorality.
4. An Act for the better observation and keeping the Lord's day.
5. The law, title Lying.
6. The law against Prophane Swearing.
7. An Act to prevent Unseasonable Meetings of Young People in the Evening after the Sabbath Days and other times.

And to the end that all breaches of the said law be duly put in prosecution:

It is now resolved, That the constables and grand-jurymen in the respective towns shall, in the evenings mentioned in the said law, walk the streets and search all places suspected for harbouring or entertaining any people or persons assembling contrary to the said act.

8. An Act for preventing Tipling and Drunkenness.
9. An Act for Suppressing Unlicensed Houses, and due Regulating such as are or shall be licensed, in the several paragraphs thereof.
10. An Act suppressing certain Meetings in licensed houses. And this law shall be understood and extended to prohibit heads of families and all other persons, as well as young persons, (strangers and travelers only excepted,) under the same penalties in said law, as well to tavern keepers as others so convening.
11. And that the several constables in the respective towns shall strictly observe and duly execute the several paragraphs of the law, title Constables, by making due presentment and information of all breaches of said law, and warning to all persons in their respective towns, who spend their time idly, or are tiplers and tavern haunters.
12. That the said constables and grand-jurymen, in their respective precincts shall take due care that the Lord's day be sanctified, according to law, by enquiring after and making presentment of all such who shall prophane the said day.

And it is further enacted by the authority aforesaid, That [16] this act, together with ‖ a proclamation enforcing it, be forthwith printed and published throughout this Colony; and that they shall be publickly read annually in the several towns

in this Colony, at their publick meetings for choice of town officers. And that the said meeting be careful in the choice of their said constables and grand-jurymen, that they choose men of known abilities, integrity and good resolution.

Upon application made to this Court by the towns of Plainfield and Voluntown, for land to be annexed to their respective townships: Ordered, that the surveyour of the county of New London do, if either of the said towns will be at the charge of it, survey the lands lying east of Plainfield, south of Kellingly, north of Voluntown, and to the east bounds of the Colony, and lay a plat of it, with an account of the quality, before the General Court in May next, with an account of said lands which this Court may have granted in the said tract, that they may be able to resolve of the future manner for the regulating of the same; and that no country grant be laid out on the said land before the session of this Court in May next.

For the better regulating and accommodating those people that do or hereafter shall live upon the lands within the West Division in Weathersfield, West Society of Weathersfield, so called, and those that do now, or hereafter may, live upon several lots in Farmington butting on Weathersfield West Society, which lots of Farmington are hereafter described:

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That that part formerly deemed to be of Weathersfield West Society, from the north side of Hurlbut's lot and the north side of Stephen and John Kelsey's lands to Midletown bounds, including the Beckley's land, shall be annexed to the Great Swamp Society, and obliged with all persons and estates requirable by law to pay all ministerial or parish charges with the Great Swamp people, to that society; provided that the [17] said people of that part || of the West Society of Weathersfield aforementioned, shall help and do their proportionable parts with the rest of Weathersfield West Society, in the finishing the meeting house in said West Society, and pay to the said West Society in Weathersfield, fifty pounds, according to their agreement under their hand and seal, lodged in the secretaries office.

And be it further enacted by the authority aforesaid, That the lots in Farmington butting upon Weathersfield, West Society or township, that is to say, all the land in the several lots in Farmington bounds from the south side of John Norton's lot on Wolfe plain to the north side of the bounds of the Great Swamp, shall be and are hereby annexed to the West Society in Weathersfield, and shall pay in proportion with the said

West Society in Weathersfield, in all ministerial or parish charges.

Mr. Christopher Huntington of Norwich is appointed a Justice of Peace in and for the county of New London.

Whereas there is great occasion for all the bills of credit ordered to be emitted by this Assembly which have not as yet been delivered to the treasurer to be forthwith put into his hands, the delay or neglect of which may be of very bad consequence:

It is therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That William Pitkin, Joseph Talcott, Esq[rs], and Mr. John Hooker, or either of them, be and are hereby impowred to ask, demand and receive of the committee, or either of them, appointed for the signing of said bills, or of any persons whom they shall understand to have any of them in their possession, the said bills of credit, and upon their refusal immediately to render and deliver to them, the said William Pitkin, Joseph Talcott, and John Hooker, or either of them, such bills, whether perfected or otherwise, they or either of them are hereby impowred by warrant to any sheriff, deputy sheriff or constable, or other suitable person, to cause any lock or locks, door or doors, closets, trunks or chests, where it shall be supposed that any of them are, to be broken open, and cause such of the bills as shall be so received or recovered, or so found or obtained, to be forthwith delivered into the treasurer's hands, if they be [18] signed and made ready for || the treasurer to issue out in the payment of the publick debts; and if they be not so compleated or perfected, to cause them to be so perfected, and then forthwith put into the treasurer's hands for the special occasion of the Colony.

Upon consideration of Mr. Nathan[ll] Clark's petition, praying to be enabled to recover certain debts said to be due unto the estate of Capt. Regne Grignon, late of Norwich, deceased, for that certain bonds and books of account have been lately burnt, whereby the said petitioner is likely to be defrauded of a considerable estate: This Assembly do order, that a number of persons be commissionated to look into the matter, with full power to call persons before them, swear parties and evidences, and make decree or decrees referring to such debt or debts, according to such regulations and directions that shall by this Assembly be given to such commissioners; all to be done at the charge of the said petitioner.

Upon the report made to this Assembly by Major Joseph Talcott, Capt. John Hooker, Capt. James Wadsworth, com-

mittee appointed by this Assembly in May, 1714, to consider of and endeavour to compromise a difference among the inhabitants of the South Society in Midletown, referring to the place of erecting their new meeting house, being all upon the spot the first day of June anno Dom. 1714, and after using all their endeavours for an amicable agreement between the inhabitants of said society and could not bring the people there to that desired issue; and that the abovenamed committee declare they think the place where the said new meeting house is erected in said society is the most accommodable and most ruleable place that can be found for them under their circumstances: This Court well approves of their report, and therefore do order and enact, and it is hereby ordered and enacted, that all persons belonging to said society shall contribute and pay towards the building and finishing the said new meeting house lately erected for the use of the said society, according to their proportions in the publick list; and that all the inhabitants of said society do attend the publick worship of God in the said new meeting house, when it is made comfortable for their reception, and pay all dues and duties as above, till orderly dismissed therefrom.

[19] An Act prohibiting the Importation or bringing in into this Colony any Indian Servants or Slaves.*

Whereas divers conspiracies, outrages, barbarities, murders, burglaries, thefts, and other notorious crimes, at sundry times, and especially of late, have been perpetrated by Indians and other slaves, within several of his Majesties plantations in America, being of a malitious and revengeful spirit, rude and insolent in their behaviour, and very ungovernable; the overgreat number of which, considering the different circumstances of this Colony from the plantations in the islands, and our having considerable numbers of the Indian natives of the country within and about us, may be of pernicious consequence to his Majesties subjects and interests here, unless speedily remedied:

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That from and after the publication of this act, all Indians, male or female, of what age soever, imported or brought into this Colony by sea or land from any place whatsoever, to be disposed of, left or sold within this Colony, shall be forfeited to the treasury of this Colony unless the person or persons importing or bringing in such Indian or Indians shall give security to some naval officer in this Colony, of fifty pounds per head, to transport or carry out the same again, within the

* A transcript of an act passed in Massachusetts, May, 1812.

space of one month next after their coming, not to be returned back to this Colony.

And every master of ship or vessel, merchant, or person whatsoever, importing or bringing in to this Colony by sea or land, any Indian or Indians, male or female, within the space of twenty four hours next after their arrival or coming in, shall report and enter their names, number and sex, and give security to some naval officer in this Colony as aforesaid, on pain of forfeiting to the treasury of this Colony, the sum of fifty pounds per head, to be sued for and recovered in any of his Majesties courts of record, by action, bill, complaint or information.

And the fees to be paid for such entry and bond, as aforesaid, shall be two shillings and six pence, and no more.

[20] Whereas this Assembly has been informed that notwithstanding the direction and order of the Assembly holden at Hartford the 12th day of May, 1715, requiring that all commissions for executing the power of a collector of his Majesties customs in this Colony, granted and obtained according to an Act of Parliament made in the 7th and 8th year of King William the third, intituled An Act for preventing frauds and regulating abuses in the plantation trade, should be registred in the secretaries office, and being first presented to the Governour and Council for that end: and notwithstanding there has not from the said twelfth day of May, 1715, to this present time, any person appeared with such commission and registred the same accordingly; several masters of vessels have met with much trouble, by reason that the registers of their vessels and their clearings, thô dated since the said 12th day of May, 1715, have not been signed by any collector, and some vessels with their lading hath been seized:

It is therefore hereby enacted, and be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That if any persons shall seize and libel against any master or vessel sailing from this Colony, for not having a register or a clearing signed by any collector from and after the 12th day of May aforesaid, and until such time as some person impowred as abovesaid with a commission of a collector of his Majesties customs in this Colony shall produce such his commission as abovesaid; or if any master of such vessel, sailing from this government as aforesaid, shall suffer any wrong by reason of having his register signed by the Governour of this Colony and a naval officer only, and his clearing signed only by some naval officer in some port of this government [in] which no person has ap-

peared qualifyed as abovesaid to execute the office of a collector in this Colony; upon complaint thereof made to the Governour and Council, they are hereby impowred, in the most proper manner and at the charge of this corporation, to take what [21] care may be for redressing such grievances by ‖ any pro[ceedings agai]nst those who [
gre]ivances in [any cour]t in the plantation [
] be made to [the admiralt]y or any court in Gre[at Britain to which any of] his Majesties subjects may be exposed, by observing the necess[ary di]rections and orders of this his Majesties government, without [be]ing vindicated therein.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same it is hereby ordered and enacted, That whereas the General Court at Hartford, May the 9th, 1672, did grant unto the town of New Haven six hundred acres of land for the benefit of a grammar school to [be] taken up where it might not prejudice any former grant, [and] the said town of New Haven by their agents, upon the fifth day of March, 1710–11, did convey the said grant of six hundred acres of land for the consideration of thirty pounds, silver, unto Joseph Whiting of New Haven; and the General Court [at] Hartford on the thirteenth of May, 1714, did confirm un[to Mr.] Bryant, two hundred acres of land, and the said Ebenezer [Bryant] has conveyed the same unto the said Joseph Whiting: als[o the] General Court at Hartford, October the 13th, 1687, did gr[ant to Mr.] John Goodyear, two hundred and fifty acres of land, [to be taken] up, and the Reverend Mr. James Pierpont, late deceased, [did in his] lifetime, viz. April 7th, 1709, purchase the said g[rant, and] since by his last will and testament convey[ed the same] to his sons, Samuel, Joseph, Benjamin, and Hezekiah Pi[erpont]; and these several grants not having been laid out [or taken up] elsewhere, any of them, the said Mr. James Pierp[ont and Mr.] Whiting did lately cause them to be laid out on [the country] land easterly of a certain pond named Meshe[nups, near] Coventry, and returned the same survey under [the hand of Mr.] Thomas Kimberly, surveyor of the county of H[artford, where the] said land lyeth, unto the secretary of th[is Colony for record,] February the 20th, $171\frac{3}{4}$, the said three g[rants lying and being] in one entire piece, and bounded [22] as fo[lloweth, viz.: beginning ‖ at a small red oak] tree marked [on four s]ides, stand[ing near the south] end of the said pond [at the distance of about fifty] rods eastward, and a[bout eight] foot to the [south] westward of a large flinty rock, and

from that red o[ak] a line extended east by the needle of the surveying instr[ument] three hundred and fifty rods to a white oak stake standing in the ground about eight rods eastward of the road leading from Coventry to Enfield, upon rising land, which is the south east corner; and from the said corner stake a line extended upon the point north, four hundred and eighty rods to a small white oak tree marked on two sides, standing in low land, about fifty rods westward of a pine hill, and at some distance eastward of a turn of the river that emptieth itself into the said pond, which is the north east corner; and from the said white oak tree upon the point west, a line extended three hundred and fifty rods to a white oak tree marked on two sides, and I.W : I.P. standing on the easterly side of a small hill, northeastward of the north end of the said pond, which is the northwest corner; and from thence [up]on the point south, four hundred and eighty rods to the [a]foresaid red oak, which makes the compliment of one [thousan]d and fifty acres, allowing one rod to each score in [the me]asure; and whereas the pond by the crooked course thereof [runs ra]ther more within or eastward of the west bounds of [this] survey than there is land between the said bounds and the [said] pond, the west bounds therefore of this thousand and [fifty] acres of land is upon the said pond so far as it extends [north a]nd south; and that the said Mr. James Pierpont as [appears] by the first survey thereof made by Capt. John Chandler [is to ha]ve his said two hundred and fifty acres at the north [end, by nor]th and south bounds parallel: Now whereas [Mrs. Mary Pierp]ont, executrix of the last will and testament [of the said Mr. Ja]mes Pierpont, and mother and next friend [of the said Me]ssrs. Samuel, Joseph, Benjamin [23] and Hez. Pierpont, minors,* || and the said Joseph Whiting have desired of this Court that the northermost two hundred and fifty acres of the said thousand [and] fifty acres may be confirmed unto the said Messrs. Pierponts, and the residue eight hundred acres of the said thousand fifty acres may be confirmed to him the said Joseph Whiting, his heirs and assigns forever.

Be it therefore enacted by the authority aforesaid, That the said Messrs. Samuel, Joseph, Benjamin and Hezekia Pierponts shall have and hold the abovesaid northermost two hundred and fifty acres of the thousand fifty acres aforesaid, to them and their heirs and assigns forever; and that the said Joseph Whiting shall have and hold the said eight hundred acres,

* The leaf containing pages 21, 22, is badly worn. The words in brackets, in this act, have been supplied by a comparison of the deeds and patents, recorded in Colony Record of Deeds, Patents, &c. III., 152–166.

residue of the said thousand fifty acres, to him, his heirs and assigns forever; and that accordingly to them respectively shall be granted patents under the seal of this corporation, signed by the honourable the Governour and Secretary, for the respective parts abovementioned, for the holding thereof firm and valid to them severally, their heirs and assigns forever, according to form of law, at their respective costs and expences.

Whereas Ebenezar Prout of Weathersfield, and Edward Dod of Hartford, have lately made a purchase of Coggery Nossett, an Indian man, commonly residing at Hartford, a tract of land of the contents of thirty thousand acres, lying northward of Symsbury, as appears by a deed under the hand of the said Indian executed, now in the secretaries office, which purchase was made without the approbation or allowance of this Assembly, which is supposed to be clandestine and contrary to the established laws of this Colony: This Assembly therefore do order and direct the king's attourney in the county of Hartford to proceed against the said illegal purchasers at the law in the said county; and for that end it is ordered, that the said deed be continued upon file in the secretaries office.

This Assembly grant to Mr. John Hooker, Speaker, thirty shillings for his good service this session.

[24] This Assembly grants to Mr. Jonathan Law, Clerk, twenty five shillings for his good service this session.

This Assembly order to the constables, James Peck and Joseph Mix, three shillings per diem for attendance this Court.

This Assembly do fully impower and authorize the Governour, and in his absence the Deputy Governour, with a Council consisting of as many assistants as can conveniently be called, and judicious freemen, not less than five in number, to manage the publick affairs of the Colony according to charter, in the intervals of the General Assembly; provided that the Governour and Council are not hereby impowred to raise moneys or send men out of the government.

Cost allowed to Mr. Richard Edwards, for his attendance at this Assembly to answer to the petition of James Smith, the sum of eighteen shillings.

Resolved by this Assembly, That William Pitkin, Richard Christophers, Peter Burr, Samuel Eells, Joseph Talcott, Jonathan Law, Esq^{rs}, be commissioners, pursuant to an act passed in this Assembly, for recovering such debts as may appear to be owing to the estate of Capt. Regne Grognian, late of Norwich, deceased; and that the Governour sign and seal them,

in the name of this corporation, and commission under his hand and common seal of this Colony, of the tenor of that read and approved by this Assembly, and attested to be so by the secretary and clerk of lower house.

Cost allowed to Richard Edwards for his attendance at this Assembly to answer the petition of the inhabitants of Covenentry, the sum of sixteen shillings, signed by Sam[ll] Parker, David Lee, and Timothy Olcott, and others. *Ex. granted March* 26, 1716.

Cost allowed Richard Edwards for his attendance at this Assembly to answer the petition signed by Sam[ll] Sedgwick and David Ensign, in behalf of the rest of the society at the West farms in the town of Hartford, the sum of nineteen shillings.

[25] This Assembly grant to Hez. Wyllys the sum of five pounds for his service as Secretary.

This Assembly appoint the third Wednesday in November next to be observed as a day of publick Thanksgiving to Almighty God, and desire the hon[ble] the Governour to draw and send forth a proclamation accordingly thrô this Colony.

This Assembly do appoint Richard Christophers, Peter Burr, Esq[rs], Mr. John Hooker, and Mr. Samuel Bishop, to audit the Colonies accounts with the Treasurer in May next.

The whole record of the several acts, grants and orders of this Assembly, as they stand entered in the pages of this book next preceding, were read in the presence of both Houses, and ordered to be signed by the Secretary as perfect and compleat.

Test. Hez. Wyllys, Sec'ry.

This Court is adjourned till the Governour or Deputy Governour shall see cause to call them to meet again.

At a meeting of the Governour and Council in New Haven, October 19th, 1715.

Present, The Hon[ble] Gurdon Saltonstall, Esq[r], Governour.
The Honb[ble] Nathan Gold, Esq[r], Deputy Governour.

John Hamlin, Esq[r],	Peter Burr, Esq[r],
W[m] Pitkin, Esq[r],	Joseph Talcott, Esq[r],
Sam[ll] Eells, Esq[r],	Abram Fowler, Esq[r].

Upon a representation this day made to this board by Mr. John Sloss of Fairfield, in this Colony, merchant, that a sloop with some [78] turpentine belonging to him on board, ‖ which sailed from this Colony, has been lately seized at New York, and as he supposes because the register of the said sloop is not signed by any collector, but

by the Governour and naval officer only, and also because the said sloop has no clearing under the hand of any collector or deputy collector: That the said Mr. Sloss may suffer no wrong under any such colour,—

This Board upon enquiry do find, that the General Assembly holden in Hartford, May the 12th, 1715, having provided by a special act for the registring in the secretaries office all such commissions as may be produced for executing the power of a collector of his Majesties customs in this Colony, pursuant to an act of Parliament in the 7th and 8th year of King William the third, intituled An Act for preventing fraud and regulating abuses in the plantation trade, there has not from the time of the passing the said act of the General Assembly any person appeared with a commission for executing said office of collector in this Colony, conformable to the said act of Parliament; by reason of which all registers and clearings from any port in this Colony bearing date since the said 12th of May, 1715, cannot be signed by any collector or deputy collector, but by the naval officers only in their stead.

Ordered, that a copy of this Resolve in Council, under the hand of the secretary or clerk of the council be forthwith given to the said Mr. Sloss, and to any other persons hereafter who may have the like occasion for it.

At a meeting of the Governour and Council in New Haven, October 24th, 1715.

Present, The Hon^{ble} Gurdon Saltonstall, Esq^{r}, Governour.
The Hon^{ble} Nathan Gold, Esq^{r}, Deputy Governour.

[79] John Hamlin, Esq^{r}, William Pitkin, Esq^{r},
Joseph Curtice, Esq^{r}, Peter Burr, Esq^{r},
Sam^{ll} Eells, Esq^{r}, Mathew Allyn, Esq^{r},
Joseph Talcott, Esq^{r}, Abram Fowler, Esq^{r},
John Sherman, Esq^{r}, Roger Wolcott, Esq^{r}.

Whereas the Governour has paid to the printer, Tim^{o} Green, in part of payment for printing the laws of this Colony, seventy two pounds, as appears by receipts under the printer's hands: And whereas, there is yet wanting to compleat the printing of the laws 30 or 35 ream of paper, which is still to be purchased at Boston: It is ordered, that the Treasurer reimburse to the Governour the said sum of seventy two pounds, and advance to him twenty eight pounds more to procure the said paper; an account of which money for the paper to be rendered to the auditors or Assembly.

At a meeting of the Governour and Council in New London, December 21st, 1715.

Present, The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.
Daniel Wetherell, Esq^r^,
Richard Christophers, Esq^r^, *Assistant.*
Jonathan Prentts, John Plumb, } Esq^rs^, *Justices.*
Christopher Christophers.

The Governour communicated a letter to Coll. Lowther, Governour of Barbadoes, dated December 17th, 1715, upon the occasion of the trouble John Mayhew and George Plumbe, masters of sloops from this Colony to Barbadoes, met with, for not having their registers and clearings signed by a collector, which was read, and approved, and agreed to be sent.

Resolved, that an order be signed to the treasurer for the payment of forty shillings to Thomas Jones, it being for so much paid by said Jones towards the charge of levying the execution on the land of John Rogers, which charge was afterwards repaid to the country by the said John Rogers.

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[80] At a Meeting of the Governour and Council in New London, December 24th, 1715.

Present, The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.
Richard Christophers, Roger Woolcot, } Esq^rs^, *Assistants.*
Jonathan Prentts, John Plumb, } Esq^rs^, *Justices.*

Roger Woolcot, Esq^r^, presented an account of the charge which he and Coll. Mathew Allyn had been at in surveying the equivalent lands due to this Colony from the Province of Massachusetts Bay, since the General Assembly in October, 1715.

The bill of charge due to Coll. Allyn amounted to 24*l.* 03*s.* 00*d.*
The bill of charge due to himself amounted to 11*l.* 11*s.* 06*d.*

Both which were considered and approved in Council, and ordered that the said bills be endorsed to the treasurer to pay them the said sums respectively.

Ordered, that the treasurer pay to Mr. Timothy Green of New London, in part of his pay for printing the laws of the Colony, the sum of twenty pounds.

At a meeting of the Governour and Council in New London, February 14th, 171$\frac{5}{6}$.

Present, The Honourable Gurdon Saltonstall, Esq^{r}, Governour.
Richard Christophers, Esq^{r}, *Assistant.*
Jonathan Prentts, John Plumbe, } Esq^{rs}, *Justices.*
Christopher Christophers.
Mr. John Picket.

The Governour acquainted the Council that one Benjamin Downing of New London had that day complained to him that one John Hubbard of said New London, having gotten into his house in Mohegan Fields in said town, did hold the same by force against the said Downing, and detained the same from him, whereby he and his wife and children were great sufferers; and pray'd that he would, with the Council, cause the force to be removed and restore him to the possession of his house, in such manner as they should judge most fitting.

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[81] At a meeting of the Governour and Council in New London, February 15th, 171$\frac{5}{6}$.

Present, The Honourable Gurdon Saltonstall, Esq^{r}, Governour.
Richard Christophers, Esq^{r},
Jonathan Prentts, John Plumbe, } Esq^{rs}, *Justices.*
Christopher Christophers,
Mr. John Picket.

The Governour communicated to this board the following report:—*Memorandum.* That on February 14th, Benjamin Downing of New London came to me the subscriber, and complain'd that sometime in January last, one Richard Rogers, with John Hubbard, Joshua Baker, Benj. Baker, of the same town, came to his dwelling house in Mohegan Fields, in said New London, while he was from home, and did by force remove his wife and family out of said house, which the said Hubbard did at the same time take possession of.

And that he, the said Downing, did on the 13th of this present month of February, take with him his wife and children and go to his house, in which he found the said Hubbard with the doors of the said house shut; and that he, the said Downing, did thereupon before witness, viz. Sands Raymond and James Lewis, (one John Chappell also being in the said house,) demand of the said Hubbard to open the door, and suffer him with his wife and family to come into and abide in the said house; which the said Hubbard refused to do, threatning him that if he attempted to come in it should be upon his peril; protesting that the first person who offered to come in should fall if he, the said Hubbard, stood.

Of this detaining his house from him by force, whereby he and his family were put to great hardship, he complained to me, with desire that the force might be enquired into and removed, that he and his family might return to their habitation. Whereupon I called a Council, at which were present Richard Christophers, Esq^{r}, Mr. Justice [82] Prentts, Mr. Justice ‖ Plumb, Capt. Christopher Christophers, and Mr. John Picket, and laid the complaint before them, desiring that their advice, whether if upon enquiry the force complained of was found, it might by any lawful means be forthwith removed, and the complainant restored to his house.

There being no provision in our local laws against forcible entry or detainer, it was proposed, whether the act of the Assembly enabling the Governour and Council to manage (in the intervals of the General Court,) the affairs of the government according to charter, (excepting only raising of men and money,) did not sufficiently enable them to remove all such force, if found; and whether the charter, which impowers us to govern the people, is not in such case sufficient (especially with the desire and consent of the General Court so expressed as before mentioned,) to warrant our enquiry into a removal of such forcible detainers (in some proper manner,) upon complaint made to us; which any justice of peace by his commission has sufficient authority for in other parts of the dominions.

The Council generally concluded, that in the case of such forcible detainers, there was at present no remedy to be had; but that persons so ejected and kept out must be patient under the force, until such time as by going through a course of law in the common pleas (and upon the title of the said tenement too, if those that committed the force would plead a title to it,) they could recover a judgment for such housing and lands, and so be put in possession again.

G. Saltonstall.

Upon the reading of this memorial, it is agreed in Council, to refer the consideration of the matter until Tuesday next.

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[83] At a meeting of the Governour and Council in New London, March 26th, 1716.

Present, The Honourable Gurdon Saltonstall, Esq^{r}, Governour.

Daniel Wetherell, Esq^{r}.

Richard Christophers, Peter Burr, Samuel Eells, } Esq^{rs}, *Assistants.*

Jonathan Law, John Plumb, } Esq^{rs}, *Justices.*

Christopher Christophers.

Resolved, That a proclamation be sent forth for a day of Fasting and Prayer, to be strictly observed throughout this Colony, on Wednesday the 11th day of April next.

The Governour communicated to this board an Address to his Majesty from the Governour and Company of this his Majesties Colony, which was read and approved, and agreed to be sent.

At a meeting of the Governour and Council in New London, April 12th, 1716.

Present, The Honourable Gurdon Saltonstall, Esq^{r}, Governour.
Daniel Wetherell, Esq^{r}, Christopher Christophers,
Richard Christophers, Esq^{r}, *Assistant.* John Pickett,
Jonathan Prentts, Esq^{r}, *Justice.* Jonathan Star.

Upon the petition of Benjamin Smith of Lyme, representing to this board that he had lately lost his house and goods by fire, and praying that he might be relieved: It is considered by this board, that a brief be granted him, to crave the contribution of the people within the towns of New London, Norwich, Groton, Lyme, and Saybrook, and the same is hereby granted. And it is further recommended to the reverend elders of the congregations in the said respective towns, to encourage their people to the exercise of their charity to the relief of the said Smith, as is usual in such cases.

[84] Upon a representation made to this board, that George Plumb, formerly master of the sloop Joseph, of New London, together with Mr. Daniel Walters, merchant in Barbadoes, were compelled by the collector there to sign an obligation bearing date Sept. 9th, 1715, the condition of which is that within eighteen months they shall produce a certificate under the hand of the collector of the Colony of Connecticut, for the time being, appointed by the honourable the commissioners of his Majesties customs, that the said sloop was duly qualified to trade, at and before the said sloops departure from the said Colony, on the 11th day of July, 1715; and that the said obligors may meet with further trouble for the want of such certificate being returned, there being no collector appointed as aforesaid at this present time; praying that they may have a proper certificate made by order of this board, to shew that the said sloop was duly qualified to trade.

Upon examination had thereof, it appeared that the said sloop, at the time of her sailing aforesaid, was registred and had a clearing according to acts of Parliament in that case provided; and that at the time of the said sloops sailing there was no person appointed by the honourable the commissioners of the customs to be collector in this Colony; and [the Council] order that a certificate be granted and signed accordingly, in the form following, viz.:

At a meeting of the Governour and Council in New London, in Connecticut, April 12th, 1716, in the second year of his Majesties reign.

Know all persons concerned, that the sloop Joseph of New London, whereof George Plumb was master, which sailed from New London, in this Colony, to Barbadoes, the 11th day of August, 1715, and not on the 11th day of July, as is said by mistake in a bond given by the

said Plumb, dated Sept. 9th, 1715, to the collector of Barbadoes, being duly registred and laden with lawful goods, was cleared at the naval [85] office in the port of New London, ‖ in the said Colony, on the 6th day of said August, at which time, and until this present, no person appointed by the honourable the commissioners of his Majesties customs to be collector in this Colony, has produced powers from them for executing the said office.

Signed per order of the Governour and Council.

The above form was agreed to be altered, and is entred two leaves forward.

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[88] At a meeting of the Governour and Council in New London, April 18th, 1716.

Present, The Honourable Gurdon Saltonstall, Esq^{r}, Governour.
William Pitkin, Richard Christophers, } Esq^{rs}, *Assistants.*
Christopher Christophers,
John Pickett.

Agreed, that the form of the certificate for cancelling Plumb's bond in Barbadoes, entered in the Council book the 12th instant, shall be altered to the form following, viz.

There being at present no person in this Colony with powers from the honourable the commissioners of his Majesties customs for executing the office of collector therein; and application being thereupon made to this Board for a certificate that the sloop Joseph of New London, whereof George Plumb was master, and which sailed from said New London to Barbadoes the 11th day of August, 1715, was duly qualified to trade at the said time, in order to the cancelling of a bond given in the collectors office for the producing of such certificate: This may certifie all persons concerned, that upon examination had thereof in Council, we find that the said vessel was both before and at the time of her sailing duly qualified to trade.

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[26] *CONNECTICUT COLONY.*

At a General Assembly holden at Hartford, in his Majesties Colony of Connecticut, in New England, on Thursday the 10th day of May, in the second year of the reign of our sovereign Lord George, King of Great Britain, &c. Annoque Dom. 1716.

Present at this Assembly,

The Honourable Gurdon Saltonstall, Esq^{r}, Governour.
The Honourable Nathan Gold, Esq^{r}, Deputy Governour.

John Hamlin, Esq^{r},	Mathew Allyn, Esq^{r},
William Pitkin, Esq^{r},	Joseph Talcott, Esq^{r},
Richard Christophers, Esq^{r},	Abram Fowler, Esq^{r},
Peter Burr, Esq^{r},	John Sherman, Esq^{r},
Samuel Eells, Esq^{r},	Roger Wolcott, Esq^{r}.

Representatives or Deputies, that were returned to attend at this Assembly, are as followeth, viz:

Col^{o} William Whiting,* Ens. John Marsh, for Hartford.
Capt. James Rogers, Lt. John Richards, for New London.
Mr. John More, Mr. John Eliott, for Windsor.
Capt. Nath^{ll} Cheesbrough, Mr. William Gallop, for Stonington.
Mr. Samuel Butts, Mr. John Addams, for Canterbury.
Capt. John Hawley, Capt. Josiah Curtice, for Stratford.
Mr. Thomas Kimberly, Mr. John Hubbard, for Glassenbury.
Mr. Jonathan Law, Mr. Samuel Clark, for Milford.
Mr. Hez. Brainerd, for Haddam West.
Mr. Samuel Peck, Mr. Caleb Knap, for Greenwich.
Capt. Samuel Thomson, Capt. Joseph Whiting, for New Haven.
Capt. Joseph Wakeman, Lt. Richard Hubbell, for Fairfield.
Capt. Andrew Ward, Lt. Janna Meggs, for Guilford.
Mr. John Lane, Mr. John Kelsey, for Kenelsworth.
Mr. John Stanly, Mr. John Wadsworth, for Farmington.
Mr. Edward Barker, Mr. John Russell, for Branford.
Lt. Joseph Rockwell, Mr. William Savage, for Midletown.
Capt. Tho. Huntington, Mr. Nath^{ll} Bassett, for Mansfield.
Mr. John Hoit, Mr. John Stone, for Stanford.
[27] Mr. Joshua Ripley, Mr. Joseph Cary, for Windham.
Mr. John Gregory, Mr. Sam^{ll} Knap, for Danbury.
Col^{o} Eben^{z} Johnson, Mr. John Riggs, for Derby.
Mr. John Petibone, Mr. Joseph Case, for Symsbury.
Capt. Richard Bushnell, Mr. Joseph Bacchus, for Norwich.
Mr. Thomas Lee, for Lime.
Mr. Michael Taintor, Mr. James Newton, for Colchester.
Mr. John Betts, Mr. John Copp, for Norwalk.
Mr. John Park, Mr. John Brown, for Preston.
Capt. Thomas Gates, for East Haddam.
Capt. Joshua Robbins, Capt. David Goodrich, for Weathersfield.
Capt. James Wadsworth, Mr. Caleb Seward, for Durham.

* The Upper House, May 11th, sent to the Speaker some papers respecting a scandalous report on Col. Whiting. The Lower House, May 15th, voted that there was not cause to reject him as a member. On the 16th the Upper House sent a message to the Lower, that the question ought to be resolved by an act of the Assembly; to which the Lower House returned, that with respect to the rejection of Col. Whiting, they have not found sufficient ground for them to proceed thereto. The Upper House then resolved, that the question be adjourned to a conference of both houses; this the Lower House declined, but offered, if insisted on by the Upper House, that a special committee be appointed to confer with a committee of the Upper House on the affair. Journals, May, 1716.

Capt. Thomas Judd, Lt. John Hopkins, for Waterbury.
Capt. Thomas Williams, Mr. John Smith, for Plainfield.
Mr. Sam[ll] Avery, Mr. William Morgan, for Groton.
Mr. Peter Aspinwell, for Kellingley.
Mr. Joseph Marsh, Mr. Thomas Hunt, for Lebanon.
Capt. John Hall, Mr. Joseph Doolitle, for Wallingsford.
Mr. Nathan[ll] Chapman, Mr. Dan[ll] Buckingham, for Seybrook.

Mr. Jonathan Law, Speaker, } of the House of Represent-
Capt. Joseph Whiting, Clerk, } atives.

This day being appointed by charter and the laws of this Colony for the Election of the publick officers of this corporation, viz:—the Governour, Deputy Governour, Assistants, Treasurer, and Secretary,—proclamation was now made in Court by order of the Governour and Company, and the freemen proceeded to give in their votes to persons chosen and appointed by the Governour, Council and Representatives, to receive and sort them.

The persons so chosen and appointed are, Richard Christophers, Esq[r], Peter Burr, Esq[r], Joseph Talcott, Esq[r], Mathew Allyn, Esq[r], Abram Fowler, Esq[r], Roger Wolcot, Esq[r], Mr. Jonathan Law, Capt. John Hall, Capt. Andrew Ward, Capt. Joseph Wakeman, Capt. Joseph Whiting, Capt. David Goodrich, who were all sworn truly and faithfully to receive, sort and count the said votes. And the votes of the freemen being brought in, sorted and counted,

The Honourable Gurdon Saltonstall, Esq[r], was chosen [28] Governour for this Colony for the year ensuing. || And the governour's oath, and likewise the oath respecting trade and navigation required to be taken by act of Parliament were administred to him by the hon[ble] the Deputy Governour, in the presence of this Assembly.

The Honourable Nathan Gold, Esq[r], was chosen Deputy Governour for this Colony for the year ensuing. And the deputy governour's oath was administred by the hon[ble] the Governour in the presence of this Assembly.

John Hamlin, Esq[r], William Pitkin, Esq[r], Joseph Curtice, Esq[r], Richard Christophers, Esq[r], Peter Burr, Esq[r], John Allyn, Esq[r], Sam[ll] Eells, Esq[r], Mathew Allyn, Esq[r], Joseph Talcott, Esq[r], Abram Fowler, Esq[r], John Sherman, Esq[r], Roger Wolcott, Esq[r], were chosen Assistants for the year ensuing.

Capt. Joseph Whiting was chosen Treasurer of this Colony for the year ensuing.

Hez. Wyllys was chosen Secretary of this Colony for the year ensuing, and sworn to a faithful discharge of that trust before this Assembly.

William Pitkin, Esq^{r}, Richard Christophers, Esq^{r}, Peter Burr, Esq^{r}, Samuel Eells, Esq^{r}, Mathew Allyn, Esq^{r}, Joseph Talcott, Esq^{r}, Abram Fowler, Esq^{r}, John Sherman, Esq^{r}, Roger Wolcott, Esq^{r}, were now sworn before this Assembly.

This Assembly do appoint Richard Christophers, Peter Burr, Esq^{rs}, Col^{o} Ebenezar Johnson, and Capt. Joseph Wakeman, to return the thanks of this Assembly to the Reverend Mr. Anthony Stoddard, for his sermon preached on occasion of the election, and desire a copy of it for the press.

This Assembly do establish and confirm Mr. Samuel Avery of Groton to be Captain of the company or trainband in the town of Groton aforesaid.

This Assembly do establish and confirm Mr. Jonathan Starr of Groton, to be Lieutenant of the company or trainband in the town of Groton aforesaid.

This Assembly do establish and confirm Mr. James Avery of Groton to be Ensign of the company or trainband in the town of Groton aforesaid.

[29] This Assembly do establish and confirm Mr. Samuel Smith of New Haven, to be Lieutenant of the company or trainband at the village of West Haven, in the town of New Haven aforesaid.

This Assembly do establish and confirm Mr. Samuel Brown of New Haven, to be Ensign of the company or trainband at the town village of West Haven, in the town of New Haven aforesaid.

This Assembly do establish and confirm Mr. Joseph Hawley of Farmington, to be Ensign of the first company or trainband in the town of Farmington aforesaid.

This Assembly do establish and confirm Mr. James Beebe of Danbury, to be Captain of the company or trainband in the town of Danbury aforesaid.

This Assembly do establish and confirm Mr. Samuel Knap of Danbury, to be Lieutenant of the company or trainband in the town of Danbury aforesaid.

This Assembly do establish and confirm Mr. Francis Barnum of Danbury to be Ensign of the company or trainband in the town of Danbury aforesaid.

This Assembly do establish and confirm Mr. Samuel Malby of Branford, to be Captain of the company or trainband in the town of Branford aforesaid.

This Assembly do establish and confirm Mr. Elieazar Stent of Branford to be Lieutenant of the company or trainband in the town of Brandford aforesaid.

This Assembly do establish and confirm Mr. Jonathan Rose of Branford to be Ensign of the company or trainband in the town of Branford aforesaid.

This Assembly do establish and confirm Mr. Joseph Hulls of Derby, to be Captain of the company or trainband in the town of Derby aforesaid.

This Assembly do establish and confirm Mr. John Riggs of Derby, to be Lieutenant of the company or trainband in the town of Derby aforesaid.

This Assembly do establish and confirm Mr. Ebenezar Johnson of Derby, to be Ensign of the company or trainband in the town of Derby aforesaid.

This Assembly do establish and confirm Mr. John Trobridge of New Haven, to be Ensign of the second company or trainband in the town of New Haven aforesaid.

[30] This Assembly do establish and confirm Mr. Joseph Doolitle of Wallingford, to be Captain of the company or trainband on the west side in the town of Wallingsford aforesaid.

This Assembly do establish and confirm Mr. Samuel Street of Wallingsford, to be Lieutenant of the company or trainband on the west side in the town of Wallingsford aforesaid.

This Assembly do establish and confirm Mr. John Hopkins of Waterbury, to be Lieutenant of the company or trainband in the town of Waterbury aforesaid.

This Assembly do establish and confirm Mr. William Hickcox of Waterbury, to be Ensign of the company or trainband in the town of Waterbury aforesaid.

This Assembly do establish and confirm Mr. Thomas Holcomb of Symsbury, to be Captain of the north company or trainband in the town of Symsbury aforesaid.

This Assembly do establish and confirm Mr. Nathaniel Holcomb of Symsbury, to be Lieutenant of the north company or trainband in the town of Symsbury aforesaid.

This Assembly do establish and confirm Mr. Joshua Holcomb, to be Ensign of the north company or trainband in the town of Symsbury aforesaid.

Serj^{t} Joseph Hawkins, of Derby, hath by this Assembly granted to him the liberty to keep a ferry over Stratford River, where the said Hawkins house now stands by the said river, at the same fare with the ferry at Stratford; and, so often as he shall have occasion at the said place to carry or ferry over the mouth of Naugatuck River, he shall have the same allowance as aforesaid; and when to cross both, eight pence for man and horse.

This Assembly do establish and confirm Mr. John Meakins of Hartford, to be Lieutenant of the company or trainband on the east side of Connecticut River, in the town of Hartford aforesaid.

This Assembly do establish and confirm Mr. Nathaniel Pitkin of Hartford, to be Ensign of the company or trainband on the east side of Connecticut River, in the town of Hartford aforesaid.

[31] This Assembly do establish and confirm Mr. Daniel Buckingham of Seybrook, to be Lieutenant of the company or trainband under the command of Major John Clark, in the town of Seybrook aforesaid.

This Assembly do establish and confirm Mr. James Lord of Seybrook to be Ensign of the company or trainband under the command of Major John Clark, in the town of Seybrook aforesaid.

This Assembly appoints Mr. John Copp, surveyor of Fairfield, or Mr. William Thomson, surveyor of New Haven, to lay out to Col° Ebenezar Johnson, three hundred acres of land formerly granted to him, and make return of the said survey to this Assembly in October or May next, at the charge of the said Col° Johnson.

Upon the representation of the Reverend Mr. Timothy Woodbridge and Mr. Thomas Buckingham and others, that the Collegiate School at Seybrook is in a languishing condition, and moving to this Assembly for a committee to hear from them the circumstances thereof:*

* The following is the representation referred to: (College & Schools, I, 170.)
To the Honourable the Governour, Council and Representatives, in General Court assembled, in Hartford, May 10th, 1716.

As the generous concern which this honoured Court have exprest for the promoting of learning in the people under their government, especially in that encouragement which they have given for the erecting and subsisting a Collegiate School in this Colony, is matter of great satisfaction to all such as reflect thereon and do rightly understand the true interest of a people; so, on the other hand, the present declining and unhappy circumstances in which that school lies, and the apparent hazard of its being utterly extinguisht unless some speedy remedy be apply'd, affords but a melancholy speculation to such as are acquainted with it. The consideration of this has excited in some, who heartily wish and seek its welfare, a desire to find out some expedient for its relief; and as the want of money has always been one reason of its continuing so long in an unsettled posture, so, to provide this without being further burdensome to the publick, it has been proposed to the people of this town, (as we understand it has been to some in other places,) to signify by their subscriptions what they are willing to contribute on this occasion. Our people have manifested a laudable disposition to forward so good and great a work, and have, in conjunction with other well minded persons, advanc't such sums of money as by a due improvement may hopefully put said school into a flourishing condition, which we thought ourselves obliged, out of regard to the interest of the school, to represent to this Honourable Assembly, and, together therewith, their and our request that it might be fixt here; and if it appears to this Honoured Court that the erecting said school in this place may be more likely to conduce to the end for which such nurseries of learning are establisht, than the continuing it where it has hitherto been, we humbly hope that this Honoured Court will be pleased to allow us their countenance and assistance in it. And we beg leave

It is Resolved by this Assembly, That the several gentlemen, the trustees of the said school, be forthwith notifyed that this Assembly desire the said trustees to meet in this place on Wednesday next, that they may shew to this Assembly the difficulties, and what may by them be thought expedient to be done therein, in order to the further proceedings of this Assembly for the better advantage of the said collegiate school.

This Assembly do establish and confirm Mr. Ephraim Goodrich of Weathersfield, to be Captain of the south company or trainband in the town of Weathersfield aforesaid.

This Assembly do establish and confirm Mr. Joseph Treat of Weathersfield, to be Lieutenant of the south company or trainband in the town of Weathersfield aforesaid.

This Assembly do establish and confirm Mr. Joshua Robbins the 2d of Weathersfield, to be Ensign of the south company or trainband in the town of Weathersfield aforesaid.

This Assembly do establish and confirm Mr. Thomas Wells of Weathersfield, to be Lieutenant of the north company or trainband in the town of Weathersfield aforesaid.

This Assembly do establish and confirm Mr. Samuel Wolcott of Weathersfield, to be Ensign of the north company or trainband in the town of Weathersfield aforesaid.

[32] An Act for emitting Bills of Credit for paying the Publick Debts of this Colony.

Whereas by an act passed by the General Assembly of this Colony, holden at Hartford, May the 14th, 1713, entituled An Act emitting Bills of Credit, the sum of twenty thousand pounds was ordered forthwith to be emitted and delivered to the treasurer by a committee appointed:

It is hereby enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the treasurer be and is hereby impowred to issue forth and emit three thousand pounds of the said bills, towards

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to suggest some of those reasons on which we found our opinion of its being so, which are these, viz.: Hartford is not only more in the center of the Colony, but is also surrounded with many considerable towns, upon which account it may easily be supposed that the number of students will be much greater than if it were at any other place which has not the like situation; besides several persons of distinction in the neighbouring Province have assured us, not only that they will contribute towards the settling the school here, but also that they will send their youth hither for their education. There is already subscribed for that end betwixt six and seven hundred pounds; we also have good reason to expect other very considerable donations, which will make up a thousand pounds and upwards. We have, moreover, a fair prospect of having the school supply'd with able and sufficient tutors. And we pray this farther favour from this Honourable Assembly, that there may be a committee of both Houses appointed to consider of this matter, and that we may have the liberty to be present with them, that we may give further satisfaction in what is demanded of us.

T. Woodbridge, Samuel Woodbridge,
T. Buckingham, Samuel Welles,
In the name of many others.

the payment of the publick debts of this Colony, and the further necessary charges thereof, according to such orders as shall be given him from time to time according to law.

And be it further enacted by the authority aforesaid, That as a fund or security for the repayment and drawing in of the said bills into the treasury again, this Assembly grants a tax or rate of three thousand one hundred and fifty pounds, to be levyed on polls and all other rateable estate within this Colony, and to be paid into the treasury at or before the last day of May one thousand seven hundred and twenty six; which said rate shall be paid in bills of credit of this Colony, or in money as it passeth generally in the country at the time of payment, and in no other manner.

Whereas some difficulty hath arisen in some societies in this government for want of an act of this Assembly to enable them to choose a Society Clerk, and be under oath as the town clerk is:

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That every distinct society that are or hereafter shall be set up for the worship of God, by the allowance of this Court, be and are hereby impowred to choose a society clerk, who shall take the following oath:

Whereas you P. L. are chosen and appointed clerk of this society, you swear that you will truly and faithfully attend and execute the place and office of a society clerk for the said society, according to your best skill, and make entry of all such votes as shall be there made according to law, and deliver true copies of the same when they shall be required of you, taking only your just fees. So help you God.

Which officer so qualified shall have the same powers, and be as effectual in the law, as to the business of the said society, as the town clerk is in his respective town.

[33] This Assembly considering the carriage of Jonathan Hill of New London, to the Governour in his house at New London, on the 9th of April last, as laid before this Court, do judge it very contemptuous, disrespectful and contrary to the duty and respect that all men among us justly owe to the dignity and character of the Governour, and tending to lay all authority among us under contempt: It is therefore ordered that the said Jonathan Hill be prosecuted for the said offence by the King's attourney, at the next proper court in the town of New London.*

* The complaint of the Governor against Jonathan Hill is in *Crimes & Misdemeanors*, II. 152. It does not appear that any thing further was done in the matter

This Assembly do establish and confirm Mr. Richard Case of Symsbury, to be Captain of the south company or trainband in the town of Symsbury aforesaid.

This Assembly do establish and confirm Mr. John Pettibone of Symsbury to be Lieutenant of the south company or trainband in the town of Symsbury aforesaid.

This Assembly do establish and confirm Mr. Joseph Phelps of Symsbury, to be Ensign of the south company or trainband in the town of Symsbury aforesaid.

This Assembly do establish and confirm Mr. Daniel White of Windsor, to be Captain of the troop in the county of Hartford.

This Assembly do establish and confirm Mr. Symon Chapman of Windsor, to be Quartermaster of the troop in the county of Hartford.

Resolved by this Assembly, That the inhabitants of Horseneck on the west side of the river Myanos shall be a distinct society till this Court shall order otherways, for the encouragement of the minister now among them.

Upon consideration of the petition of Peter Barber against Quintin Crawford: This Assembly grants liberty to the petitioner of one more tryal of his action at the superiour court to be holden at Fairfield in September next; provided he pay to Quintin Crawford all his costs allowed at the last tryal, and the costs of the next tryal only is to be awarded to the party obtaining judgment. *Cost allow'd said Crawford upon said petition is* £1 7*s*. 0*d*.

Elizabeth Richardson, administratrix on the estate of John Richardson, late of Waterbury, deceas'd, petitioning this Assembly for liberty to make sale of so much of the lands of the [34] deceas'd as may enable her ‖ to pay the debts due from the said estate that do surmount the moveable estate, being thirteen pounds two shillings and six pence: Whereupon this Assembly grants power to the said Elizabeth Richardson to make sale of so much of the lands of the deceased as shall produce the aforesaid sum of £13 2*s*. 6*d*.; always observing the direction of the court of probates in the county of Hartford therein.

Upon the petition of Mr. John Copp to have £8 7*s*. 8*d*. abated of the interest of one hundred pounds lent him out of

than the passage of the act above. In May, 1719, Mr. Hill was chosen a Deputy for New London, and the Governour objected to his being allowed to sit as such before he had given the Assembly satisfaction either of his innocency or repentance; but the Lower House resolved, that the matters alledged against Mr. Hill were not sufficient to exclude him from sitting as a member in that house.

the publick treasury: This Assembly do see cause to release said Copp and his heirs from paying said sum of £8 7*s*. 8*d*. and it is hereby released to him and them accordingly.

Upon the petition of Capt. Joseph Wright of Colchester, shewing that one deed to him made by James Munn of Colchester, of his undivided land in said town, dated February 11th, 170$\frac{7}{8}$, and one deed to him made by Daniel Clark, jun^{r}, of said Colchester, of his undivided land in said town, dated December 19th, 1707, the contents of which deeds are entered in the records of the town of Colchester aforesaid; and that the said deeds are lost or clandestinely taken from him the said Wright, to the hazard of his just right, and praying for remedy in the case: Upon consideration hereof, it is enacted by this Assembly, that a copy of the said record made of the contents of the said deeds shall be as good evidence to the truth of the purchase and sale of the said lands, according to the purport of said record, as a copy of the said deeds at large might or ought to be.

Upon the petition of John Filley, executor of the last will of Samuel Filley, of Windsor, deceased: Resolved by this Assembly, that the said John Filley shall have full power to dispose of the two acres of land in sale not devised in the said will, and by the order of the court of probates to Col^{o} Mathew Allyn was to be distributed to Jonathan Filley, eldest son of the deceased, for the better enabling him the executor for paying the money debts due from the deceased estate, or refunding to himself the money he has already paid. *Cost allowed John Filley*, £1 10*s*. 0*d*.

Upon the petition of the farmers on the north east part of [35] the town of New Haven to be a Parish or Society: ‖ This Assembly allows the bounds of the parish petitioned for, according as the town of New Haven have granted, (with that proviso, that the inhabitants of the old society that have and do improve lands within the limits of the new, while they live in the old, shall pay to the old society,) and as to the addition of twelve families, it is referred to the General Assembly to be held at New Haven in October next, then to be further considered.

Upon the petition of Mr. John More and Benjamin Newbury of Windsor, against John Filley of Windsor, shewing to this Assembly that the said John Filley having mortgaged six acres of pasture land, as appears by the deed thereof dated January 25th, 171$\frac{2}{4}$, which deed being acknowledged before the said John More, justice, and therefore defeated in the law, the said More being a party, and praying for a sentence to defend them

from the defeat of the mortgager: Resolved by this Assembly, upon the consideration of the evidences given before this Assembly by Jonathan Loomiss, Mary More and Mrs. Hannah Merriman, that the said mortgage made by the said John Filley shall be of equal force and evidence to the mortgagees as if all the formalities of law had been well observed in the execution thereof; and that the said instrument shall be sufficient to recover the lands mortgaged, unless the mortgager shall well and truly pay the sum therein demanded with the interest thereof, by the 25th day of August next. *Cost allowed said More and Newbury is £3 3s. 4d.*

Whereas the General Assembly holden at New Haven in October last, did by a special act provide for the payment of a stated salary for the year 1715, to the Reverend Mr. John Woodward, pastor of the church in the town of Norwich, which act is as followeth:—Whereas by an act made by this Assembly at their sessions in New Haven in October last, it is provided that the Reverend Mr. Woodward, pastor of the church in Norwich, should be paid by the town of Norwich, as his salary for that year, seventy pounds in pay and fifteen pounds in money, according to the agreement of the said town with him; and that in the said payment wheat should be reckoned at 5*s.* 6*d.* per bushel, Indian corn at 2*s.* 6*d.* per bushel, rye at 3*s.* 6*d.* per bushel, with liberty for such as would, instead of pay, to pay their whole rate in money: and whereas this act extended to the current year only: It is now enacted and ordered, that the rate of the present year shall be gathered by the constable or constables of said town.

[36] And whereas, notwithstanding the said act, it appeareth upon examination thereof had, that neither the representatives of the said town who were present in the said Assembly, nor the constable or constables of the said town have taken any care that the said act and positive order of the said Assembly should be observed, whereby the said salary (in contempt of the honour and authority of this Assembly) remains, as to the greatest part of it, unpaid, to the great suffering of the said Mr. Woodward and his family,*

* Upon a representation that this act had been entirely neglected, the Upper House, May 14th, sent a message to the Lower House, desiring the attendance of the representatives for Norwich. Messrs. Bushnell and Bacchus attended accordingly, and declared for themselves that because of some differences had been and were still in the town, and for other reasons, they did not think it fit to concern themselves or to be forward to cause the said act to be executed. Thereupon the Upper House resolved, that the Secretary do advise the Speaker and Lower House how far this House has proceeded in this matter; it being most proper that they should take notice of this their neglect, as a high dishonor to the acts and authority of this Court, and tending to expose the orders of the Court to general contempt. Journal of Upper House, May 14, 1716.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said constable or constables of said town, who ought according to the said act to collect or gather the said salary, shall collect and gather the same in the manner specifyed in said act, and pay the same to the said Mr. Woodward at or before the third Tuesday of July next; and in case the said constable or constables shall not collect and pay the said salary as is directed and commanded by this act, and at or before the time herein specifyed produce a receipt of his having so done from the said Mr. Woodward to the secretary of the Colony, the said secretary, upon application made to him, shall issue out a warrant of distreint to the sheriff of the county of New London to distrein the said salary, or what shall remain unpaid of it, from the said constable or constables, in manner and form as the treasurer is impowred to do in case of the Colony rates not being gathered by the respective constables, with fifteen shillings more for the charge of this act and other incident charges in granting and levying the said execution, requiring the said sheriff to pay the said salary so distreined by him to the said Mr. Woodward. And the secretary is hereby commanded to send forthwith a copy of this act to Mr. Christopher Huntington, justice of the peace in said Norwich, or any other justice of peace in the county of New London, who is also hereby required to cause the said constable or constables to appear before him and communicate this order to them, and also be assisting to him or them as shall be needful, by any necessary warrants or orders in their executing the same.

Upon the petition of Giles Hall of Midletown: This Assembly grants him liberty to purchase three or four acres of land adjoyning to the land of the said Hall, of Midletown Indians, lying at a place commonly called Wongung, in the town aforesaid.

[37] This Assembly do establish and confirm Mr. James Newton of Colchester, to be Captain of the first company or trainband in the town of Colchester aforesaid.

Upon the petition of Sarah Pinney of Windsor, administratrix on the estate of Isaac Pinney, late of Windsor, deceased, shewing that the moveable estate of the said deceased is not sufficient to discharge the just debts due therefrom: This Assembly do grant a power to the petitioner to sell so much of the lands of the deceased as shall be needful for the better enabling her to pay the debts due from the said estate which doth exceed the sum of the moveable estate of the deceased, accord-

ing to the direction of the court of probates in the county of Hartford.

Upon the petition of Richard Attwell of New London, and Joanna, his wife, administrators of the estate of Walter Bodington, jun^{r}, late of Groton, deceased, praying for liberty to sell so much of the lands of the said deceased as the moveable estate of the deceased's falls short of the debts due from it: This Assembly grants liberty to the said administrators to make sale of so much of the said deceased's lands as fully to pay the debts of the said deceased, so far as they surmount the moveable estate of the deceased, according to the directions of the court of probates within the county of New London.

Upon the petition of the inhabitants of the town of New Milford, praying this Assembly that each proprietor not settled among them may contribute to the settling and maintaining of a minister, and building of a meeting house in said town: Resolved by this Assembly, that the respective proprietors of the said town not residing there, shall for each right annually pay the sum of ten shillings, and for less than a right in proportion, for the space of three years next, and after as the said town and proprietors shall agree, or this Court shall order; always provided, that the money ordered by this act be paid to Mr. Samuel Clark of Milford, merchant, and that he take care to dispose of the same to the uses within mentioned.

Upon consideration of the petition of Stephen Nobles, administrator on the estate of John Noble, late of New Milford, deceased, shewing that the debts justly due from the estate of the deceased amounts to more than the estate itself, both real and personal, and the lands under mortgage liable to be forfeited: Whereupon the petitioner is by this Assembly author-
[38] ized and impowred to make sale of all || the real estate of the deceased in order to paying the debts due from the said deceased's estate so far as it will answer them; provided the mortgage and rate or tax laid on the land by this Assembly be first paid; always observing the direction of the court of probates in the county of New Haven therein.

Upon consideration of the petition of the inhabitants of the northwest part of Lebanon, called the Crank, presented to this Assembly in May last, and the report of the committee then appointed to consider their case, laid before this Assembly in October last, and referred to this time: This Assembly do now grant to the said inhabitants the liberty and privilege of being a parish or society, with all such liberties, powers and privileges as other parishes in this Colony generally have and do

enjoy by law, for the settling, upholding and maintaining of the publick worship of God amongst them; and that the bounds of the said parish shall be as followeth: to begin at a white oak tree, standing on the west side of a hill on the east side of a brook just by Hartford old road from Norwich to Hartford, which is the northwest corner boundmark of Lebanon town bounds established by the General Assembly; from thence northwardly the same point of compass that Lebanon west line of the town's bounds runs, till it comes to Coventry south bounds of their township, and then turning eastward by Coventry line till it comes to Hopp River, then bounded by said river till it comes as far east as Lebanon east bounds; thence turning southward to the northeast corner boundary of Lebanon township; from thence by the bounds granted by the town of Lebanon as it appears of record in Lebanon book of records; and that all the lands lying within the aforesaid bounds shall pay to support the charges of the parish aforesaid. Provided also that the inhabitants of said parish shall pay their rates in proportion with those of the parish in the bounds of Lebanon, and the money collected be put into the hands of Capt. Wm. Clark and Mr. John Sprauge of Lebanon, to be disposed of by them towards the building of a meeting house, settling and maintaining of an orthodox minister, with other parish charges, until the Court shall order otherways.

[39] Whereas an act concerning Small Causes [was] made by this Assembly the 13th day of May, 1714, with this proviso, that the same be and remain in force only for two years next ensuing:

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the aforesaid act shall be and remain of full force, in all the intents and constructions thereof, until this Court shall order otherways.

Upon the petition of John Moses of Symsbury, administrator on the estate of John Moses, sen^{r}, late of said Symsbury deceased, shewing that the moveable or personal estate of the deceased is not sufficient to discharge the debts due therefrom: This Assembly do grant liberty to the said administrator to sell so much of the lands of the said deceased as may produce money needful for payment of the debts aforesaid, observing the direction of the court of probate in the county of Hartford therein. Always provided, that the several legatees or their guardians shall not pay or take effectual care to secure the payment of those debts (within five months from the rising of this Assembly,) for which there is occasion to make sale of the land aforesaid.

The Hon^ble the Governour having informed this Court that several persons, viz. John Bolles and his wife, John Culver and his wife, all of New London, pursuant to an act, entituled An Act for the ease of such as soberly dissent from the way of worship and ministry established by the laws of this government, have been lately committed to the goal in New London, for disturbing the congregation in said town, whereof the Rev. Mr. Addams is minister, in the time of their being assembled for divine worship on the Lord's day, being the 22d day of April last, and are still in custody of the said goal; and the Governour having moreover signifyed that some related to the said prisoners have assured him, that they were altogether ignorant of the said law, and that if this their offence be overlooked, it may be hoped they will not in like manner offend: It is ordered by the Governour, Council and Representatives, in General Court assembled, and by authority of the same, that the said prisoners be released from the said goal, and that in case they behave themselves orderly, rest contented with the liberty granted them by the said law, and for the future do not offend in like manner by offering disturbance to any congregations lawfully assembled for religious worship, they shall not be prosecuted for the said offence committed by them. [40] || And it is further ordered, that the secretary forthwith direct a copy of this act to the sheriff of the county of New London, which shall be a sufficient warrant for his releasing of them from the custody of the said goal; the said prisoners first paying their prison fees.

This Assembly do appoint and impower Capt. Ephraim Minor and Lt. Palmer of Stonington, to lead the upper company or trainband in the town of Preston to a choice of officers.

Upon the petition of the town of Hebron, praying a further settlement of the bounds of said town with the towns of Lebanon and Colchester: It is resolved by this Assembly, that the bounds between the town of Lebanon and Hebron is well stated and settled by act of the Assembly, October 10th, 1700. And it is further enacted, that the boundary line between the towns of Colchester and Hebron shall be at the place in Jeremy's River where the road from Glassenbury to New London passeth the said river, and from thence northwestward the bounds between said towns shall be the said road as it is now used; and from the said place in the river, the river shall be the bounds of said towns up to the place where the brook that runs out of the north meadow emptieth itself into the river, leaving Colchester on the eastward and Hebron on the westward; and from thence the said brook is to be the bounds between said

towns, leaving Colchester on the southward and Hebron on the northward, to the place where the said brook runneth out of north meadow; and from thence the dividend line or boundary runs east to two stakes and a heap of stones about them, upon a plain piece of land, and is south and by west from the southeastermost part of Square pond, mentioned in the report of Capt. Fitch and Capt. Hough, dated March 23d; and from the said stakes the dividend line to run north and by east to a black oak tree marked with a heap of stones about it, being the north east corner of Colchester township.

Upon the petition of Thomas Welton, administrator on the estate of Stephen Welton, late of Waterbury, deceased, shewing that the moveable part of said estate is not sufficient to discharge the just debts of the said deceased and the necessary charges: This Assembly do grant liberty to the said administrator to sell so much of the lands of the said deceased, as may [41] be sufficient || to pay the debts due from the estate of the deceased, according to the direction of the court of probate in the county of Hartford.

Upon the petition of Jonathan Elseworth and Samuel Rockwell of Windsor, shewing that in the year 1673, this Assembly did grant Mr. Mathew Grant a hundred acres of land, also fifty acres granted May, 1671, to the heirs of Thomas Buckland, and the said grants of land having been formerly laid out as was then supposed a little to the eastward of Windsor bounds, but since it is found within the limits of said Windsor grant in addition to their township, and that the petitioners have purchased the aforesaid grants and are like to receive no advantage thereby as they have been laid out: This Assembly do allow the said Jonathan Elseworth and Sam[ll] Rockwell to lay out the aforesaid grants of land (according as they have purchased) anew, where they may, without prejudice to any former grants to any plantation or particular person.

This Assembly grants the Treasurer the sum of one penny upon the pound for such of the new bills of credit from time to time put into his hands as he shall exchange and deliver out for old bills brought in to him for that end, according to an act of this Assembly holden at Hartford May 13th, anno Dom. 1713.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That no sheep shall go on the common without a keeper, in any of the towns of this Colony, under the penalty of one penny per head, to be paid to any person so finding any sheep on the commons without a keeper, and impounding the same; unless

any town shall agree and order to the contrary within their precincts.

This Court grants lycence to Hez. Brainerd of Haddam to keep a ferry to carry travellers over the great river of Connecticut by his house, and to take the fare allowed by law for said Haddam ferry; provided said Brainerd provide himself in all respects for keeping said ferry, as the law directs, by the first day of April next.

Upon the petition of Joseph Phippen of Fairfield, shewing that Lovis Lyron of Milford, upon a scire facias issued out of the court of assistants [obtained judgment at the court of [42] assistants] || holden May, 1710, against said Phippen, for two hundred and thirteen pounds thirteen shillings and two pence damage and cost, and also fifty five shillings and eight pence for costs on the said scire facias, and praying the said judgment may be reversed and made void: In consideration hereof it is ordered and enacted, that the said judgment given against said Phippen shall be reversed, and it is hereby reversed and made void; and no costs is to be allowed upon this petition.

Upon the petition of the inhabitants of the town of Hebron, moving to this Assembly, that whereas this Assembly in May, 1714, did by their act impower the said inhabitants to raise a rate or tax of sixty pounds per annum on all such persons as claim lands within the said township; that notwithstanding the said act, divers of the said claimers, being rated and taxed in their just proportion of the said sixty pounds, have hitherto neglected or refused to make payment thereof, and no effectual direction in the said act for the distreining and recovery of the said rate being given them:

It is now therefore, for the more effectual enabling the said inhabitants thereunto, enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That if any person or persons whatsoever, claimer as aforesaid, shall neglect to pay his or their proportion of the said rate, as well those rates heretofore as those hereafter to be made pursuant to said act, at or before the last Monday in June which shall be in each year, that then it may and shall be lawful for the selectmen of the said town of Hebron, or the major part of them, to make sale of so much of such lands so claimed by such person or persons neglecting to pay as aforesaid, (to the highest bidders,) as may produce money sufficient to his or their proportion of said rates; which money shall be by the said selectmen improved for that end.

And it is hereby further enacted, That all lands so bona fide by the said selectmen sold, shall make good estate to the purchasers thereof.

Upon the petition of George Stilman of Weathersfield and Francis Whetmore of Midletown, shewing that the petitioners have in the towns of Haddam and Midletown about thirty [43] thousand foot of plank, which || were sawn out of timber got in this Colony, and being ignorant of the law made in May, 1715, entituled An Act for the preservation of ship timber, plank, &c. and preventing the exportation thereof, praying allowance to transport the same: This Assembly do grant them liberty to transport said plank out of the Colony, if no market appears within this government by the 25th day of June next.

Upon the petition of Elizabeth Ward of Midletown, relict of Samuel Ward, late of said town, shewing that said Samuel Ward, deceased, and Franciss Whitmore of Midletown agreed and bargained to exchange some parcels of land in said town, as is set forth by an instrument under their hands dated May 6th, 1714, and that the said Samuel Ward dyed before any legal instruments of conveyance of the lands were executed, and therefore praying that this Assembly would enable the said Elizabeth to make and execute instruments of conveyance of said land, according to said bargain: Upon consideration hereof, this Assembly do allow and impower the said Elizabeth Ward to make and execute proper instruments for the conveyance of said lands in the law, according to the aforesaid bargain and agreement made and signed by said Samuel Ward and Franciss Whitmore, dated May 6th, 1714.

Whereas this Assembly have made and passed several acts for preventing and punishing tipling and drunkenness, and also to prevent unlycenced persons retailing strong drink, and for the due regulation of lycenced houses; but notwithstanding, there are many persons that refuse to be reclaimed from their excessive drinking and expence of their precious time: therefore, that the said publick mischief may be more effectually proceeded against and punished,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whensoever any person without lycence first had and obtained from the county court in the county where such person liveth shall sell or vend any strong drink, contrary to the first paragraph of that law entituled An Act for suppressing unlycenced houses and for the due regulation of such as are or shall be lycenced, shall pay a fine of five pounds, currant money, for the first offence, and ten pounds for the second offence, and so double for every breach of this act he shall be convicted of; which fines shall be disposed half to him

[44] || that complains and prosecutes to effect, and the other half to the town treasury. And it is especially recommended to those that keep lycenced houses to prosecute all breaches of this act.

And be it further enacted by the authority aforesaid, That when and so often as the magistrates, justices, selectmen and grand-jury-men in any town, or where no assistant or justice are belonging to any town, the selectmen and grand jurors shall understand that any person is a tavern-haunter, or spends his time idly at any such publick house of entertainment, they or the major part of them shall at their discretion cause the name of such person or persons to be posted at the doors of every tavern in the same town, by setting up a certificate under their hands, forbidding every tavern-keeper, on the penalties contained in this act, to entertain or suffer any such person or persons therein named to have or drink any strong drink of any kind whatsoever, in or about their houses, until the said assistant, justices, selectmen and grand jurors, shall agree to take off the prohibition.

And it is further ordered, That if any tavern-keeper shall, after such posting any persons name and notice thereof given by any of the aforesaid selectmen or grand jurors, suffer any person posted as aforesaid, to drink any rhum, wine or other strong drink, in or about his house, [or] in any of the dependencies thereof, they shall pay as a fine the sum of five pounds. And in case the person or persons warned as aforesaid shall not after such warning leave off and forbear such their evil practices, the authority shall summon such person or persons to appear before them, and demand of him or them sufficient sureties for their welbehaving therein ; and in case such person or persons shall not find sureties as aforesaid, shall pay a fine of twenty shillings, or sit in the stocks for the space of two hours, on some publick time or season.

And it is resolved, That the act made in May last, entituled An Act for the better regulation of taverns, &c. be repealed.

Whereas it may be suspected that wolves being killed without the bounds of this Colony are by Indians or others brought in and sold for a small matter to persons destitute of an honest principle, living within this Colony, and by such frauds obtain bills drawn upon the treasury of said Colony: For prevention of such frauds,

[45] *Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same*, That for the future, all constables [and] selectmen within the respective towns of this Colony shall, when any

wolves head or heads are by any person or persons brought to them in order to obtain a certificate for the same, strictly examine said person or persons, how he or they obtained the head or heads of such wolf or wolves, and whether they were taken and killed within the bounds of this Colony; and when upon said examination, or by any other way or means *that* [there] may be a just suspicion of the contrary, such constables or selectmen aforesaid shall not grant certificate to any person or persons so demanding the same, unless he or they take an oath before an assistant or justice of peace, that said wolf or wolves were taken and killed within the limits or bounds of this Colony.

Whereas by the commissioners appointed by the Province of the Massachusetts Bay, and by the Colony of Connecticut, for settling the dividend line between the said Province and Colony, it was agreed and concluded that there should be taken out of the town of Windsor seven thousand two hundred and fifty nine acres of land, which was annexed to the towns of Enfield and Suffield by order of said commissioners, and for which it was agreed the town of Windsor should have lands equivalent for what is taken from it as aforesaid: This Assembly do appoint Joseph Talcott, Esq^{r}, and Mr. Thomas Kimberly, a committee to lay out to the town of Windsor lands equivalent for what is taken from them, lying between the towns of Windsor and Tolland, north of the claims of Joshua's legatees. And if in that place there shall not be found land sufficient to make the equivalent, consideration being had to the distance of place and quality of the land, the remainder shall be laid out to the town of Windsor in the ungranted lands of this Colony, above Tolland.

This Assembly do establish and confirm Mr. Henry Crane of Durham, to be Lieutenant of the company or trainband in the town of Durham aforesaid.

[46] Upon the petition of Capt. Joseph Whiting, Treasurer of this Colony: This Assembly alloweth to the treasurer the sum of one hundred and fourteen pounds eight shillings and one penny, for so much money which is unpaid by Thomas Olcott, deceased, late constable of Hartford, and the said treasurer is charged therewith.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the courts of probates for the several counties in this Colony shall for the year ensuing be holden by one judge and clerk in each county; and that so oft as any difficult and disputable matter shall happen before any of the said judges,

such judge, where it shall so happen, hath hereby power to call in to his assistance any two of the justices of the quorum.*

Cost allowed by this Assembly to Nathaniel Harrisson and Edward Barker, of Branford, for their attendance at this Assembly to answer the petition of Nathaniel Johnson of Branford aforesaid, the sum of 4*l*. 8*s*. 6*d*. *Execution granted June* 7, 1716.

Cost allowed to John Bissell of Windsor, for his attendance at this Assembly to answer the petition of John Petibone of Symsbury and James Enos of Windsor, the sum of 0*l*. 12*s*. 5*d*.

Cost allowed James Ennos of Windsor, for his attendance at this Assembly upon the petition of John Cook, of Windsor aforesaid, the sum of £1 4*s*. 5*d*.—Paid to said Cook.

Cost allowed to Francis Whetmor and partners of Middletown, for their attendance at this Assembly upon the petition of Solomon Coit of New London and his partners, the sum of £4 8*s*. 6*d*.

This Assembly do appoint Mathew Allyn, Esq^{r}, to be Judge of the County Courts in the county of Hartford.

This Assembly appoint Joseph Talcott, Esq^{r}, to be Judge of the Court of Probates in the county of Hartford.

This Assembly appoint Thomas Hart, Esq^{r}, John Hooker, Esq^{r}, Aaron Cook, Esq^{r}, and John More, Esq^{r}, Justices of Peace and Quorum for the county of Hartford.

[47] This Assembly appoint Mr. Joshua Ripley, Mr. Michael Tainter, Capt. Thomas Judd, Capt. Thomas Ward, Capt. James Wells, Capt. Thomas Huntington, Capt. Thomas Gates, Capt. Joshua Robbins, Capt. David Goodrich, and Lt. Samuel Humphreys, to be Justices of the Peace for the county of Hartford.

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* A bill for holding the courts of probate with but one judge had been proposed in May, 1711, but rejected, though Governor Saltonstall urged the following reasons for its passage:

"Besides that this is the practice throughout the Queen's dominions generally.

1. The trouble and charge of many persons convening for the holding of said court has been found a great burthen; the fees of the said court scarce ever allowing the justices a meet recompence for their time, and sometimes little or nothing.

2. This court should be always open, the affairs of it often requiring a speedy order to be given, which may best be dispatch'd by one person, who may do it at any time and place when and where he can be applied to; whereas according to the present constitution, there has been a necessity of appointing a court day once a month, (and to have it appointed oftner would have made the burthen unsupportable,) that all the members may know when to convene; and they cant upon a sudden be got together without great charge oftentimes; or without loss of time, which, as the case may be, may prove a greater damage.

3. The law for the direction of the judge, in all ordinary cases, is very plain, and does not make such assistance necessary.

4. When any difficult point of law happens to be argued and resolved, the aggrieved party has a last resort given him to the court of assistants, where he may also have a review."

This Assembly do appoint Jonathan Law, Esq^{r}, to be Judge of the County Courts in the county of New Haven.

This Assembly appoint John Allyn, Esq^{r}, to be Judge of the Court of Probates in the county of New Haven.

This Assembly appoint Ebenezar Johnson, Esq^{r}, Joseph Treat, Esq^{r}, Abram Bradley, Esq^{r}, Warham Mather, Esq^{r}, James Wadsworth, Esq^{r}, Samuel Bishop, Esq^{r}, to be Justices of the Peace and Quorum in the county of New Haven.

This Assembly appoint Jonathan Law, Esq^{r}, Capt. Thomas Yale, Capt. Nathaniel Harrisson, Mr. Edward Barker, Mr. James Hooker, Capt. John Hall, and Capt. Andrew Ward, to be Justices of the Peace in the county of New Haven.

This Assembly do appoint the Hon^{ble} Nathan Gold, Esq^{r}, to be Judge of the Court of Probates in the county of Fairfield.

This Assembly appoint Peter Burr, Esq^{r}, to be Judge of the County Courts in the county of Fairfield.

This Assembly appoint James Olmstead, Esq^{r}, James Bennitt, Esq^{r}, James Judson, Esq^{r}, John Burr, Esq^{r}, Joseph Bishop, Esq^{r}, and John Edwards, Esq^{r}, to be Justices of the Peace and Quorum in the county of Fairfield.

This Assembly appoint Capt. John Minor, Capt. James Beebe, sen^{r}, Capt. Joseph Platts, Mr. Samuel Peck, and Mr. Ebenezar Mead, to be Justices of the Peace in the county of Fairfield.

This Assembly do appoint Richard Christophers, Esq^{r}, to be Judge of the County Courts and Courts of Probate in the county of New London.

This Assembly appoint Nehemiah Smith, Esq^{r}, Nathaniel Cheesebrough, Esq^{r}, Daniel Taylor, Esq^{r}, Nathaniel Lynd, Esq^{r}, to be Justices of the Peace and Quorum in the county of New London.

This Assembly do appoint Capt. Daniel Wetherell, Mr. Dan-
[48] iel Palmer, || Capt. William Clark, Capt. Thomas Williams, Mr. Samuel Buell, Mr. Abram Pierson, Mr. Moses Noyes, Mr. Jonathan Prentiss, Mr. Daniel Brewster, Mr. Daniel Buckingham, and Mr. Peter Aspinwall, to be Justices of the Peace in the county of New London.

This Assembly do appoint the Hon^{ble} Nathan Gold, Esq^{r}, John Hamlin, Esq^{r}, Richard Christophers, Esq^{r}, Peter Burr, Esq^{r}, and Samuel Eells, Esq^{r}, Judges of the Superiour Court for the year ensuing; and that the Hon^{ble} Nathan Gold be Chief Judge, and in case of his absence, that then [the next] successively in the abovesaid order supply the place of chief

judge; and that if any of the judges beforenamed be providentially hindered from the business of the circuit, so that there cannot be otherwise a quorum, such place shall be supplyed by some other of the assistants, to take place therein according to their standing in the rank of assistants. Provided always, that none be admitted to sit in judgment in the superiour court in that county where he is judge of the county court or court of probates, in the cases wherein they have been concerned; and that the judges shall receive for their riding the circuit for the year ensuing, one hundred and twenty pounds, of which the fees by law allowed in every action be accounted a part thereof.

And it is also hereby provided, That in any case wherein by the removal or absence of any of the justices of the quorum in the county courts from the bench, and their places cannot be supplyed by others appointed to be of the quorum, that any of the justices of the peace of the same county may be called in by the court to supply and fill up the quorum.

The establishment of the Council for the assistance of the Governour or Deputy Governour in the intervals of this Court, made in October last, is hereby confirmed to hold to the General Assembly in October next.

Whereas Jonathan Bidwell of Hartford, late deceased, did at the time of his decease, stand justly indebted in divers considerable sums of money to Oliver Noyes, Esq^{r}, Ezekiel Lewiss, Thomas Bannister, and Giles Dyer, all of Boston, and they have sued and recovered judgment for their debts against [49] Martha Bidwell, executrix of || the last will and testament of the said Jonathan, and thereupon partly by executions, and partly by deed from the said Martha Bidwell, executrix, have obtained the whole real estate of the said Jonathan Bidwell, lying in Hartford and Glassenbury, all which fully appears on the said executions and deeds, with their several parts, shares and interests in the same, and thereupon the creditors aforesaid have acquitted and discharged the said Martha Bidwell, executrix, of and from all other and further demands whatsoever on the account of their debts aforesaid, thô they want considerable sums of their debts aforesaid; still these things being seen and considered, and the creditors aforesaid praying this Court to ratify and confirm their estate in the lands and tenements aforesaid: This Court therefore doth hereby allow and approve of the conveyances, by the executions and deeds aforesaid, of the several parts and parcels of the said Jonathan Bidwells real estate, to the several and respective creditors aforesaid, according as they are particu-

larized in the said executions and deeds; and do hereby ratify and confirm unto the aforesaid creditors their several parts aforesaid of the said Jonathan Bidwells real estate, to have and to hold the same as an indefeazable estate of inheritance in fee simple, to them, their heirs and assigns forever respectively.

This Court is adjourned until the Governour or Deputy Governour shall see cause to call them to meet again.

Test. Hez. Wyllys, Secr'y.

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[85] At a meeting of the Governour and Council in Hartford, May 23d, 1716.

Present, The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.
The Hon^ble^ Nathan Gold, Esq^r^, Deputy Governour.

John Hamlin, Esq^r^,	Samuel Eells, Esq^r^,
William Pitkin, Esq^r^,	Mathew Allyn, Esq^r^,
Peter Burr, Esq^r^,	Abram Fowler, Esq^r^.

Upon the petition of Mr. Isaac Chauncey, Mr. Nathaniel Chauncey, Sam^ll^ Camp and others, the major part of the present proprietors of a certain parcel of wet or flowed land lying in the town of Durham, upon the rivers there, being bounded east and west by the highlands, north by Allyns brook and a west line from the mouth of said brook unto the upland there, and south by the highway that lyeth on the north side of the farm belonging to William Leett, Esq^r^, requesting this board to grant commissioners of sewers for said wet or flowed land: Capt. James Wadsworth, Mr. Henry Crane, Mr. Nathaniel Sutlief, Mr. Robert Coe, and Mr. Nathan Camp, are appointed commissioners of sewers for said service, and a commission as is desired is hereby granted.

Upon a petition of John Palmer of Windsor, made to this board: Ordered that he be allowed ten shillings out of the publick treasury of this Colony, for the damage done to his gun in Portroyal expedition, and that Col^o^ Mathew Allyn give him an order to the treasurer for the same.

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[86] At a meeting of the Governour and Council in Hartford, May 31st, 1716.

Present, The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.
The Hon^ble^ Nathan Gold, Esq^r^, Deputy Governour.

John Hamlin, Esq^r^,	Sam^ll^ Eells, Esq^r^,
William Pitkin, Esq^r^,	Joseph Talcott, Esq^r^,
Peter Burr, Esq^r^,	Roger Wolcott, Esq^r^.
Mathew Allyn, Esq^r^,	

Upon the petition of Dan[ll] Bartlet, Thomas Norton, Pelatiah Leet, Joseph Stone, Stephen Stone, Sam[ll] Crittingdon, Joseph Hodgkiss, William Stone, and John Collins, the major part of the proprietors of the marsh land or meadows lying and being on a certain creek, commonly called and known by the name of the Island creek in Guilford, shewing that the said marsh lands or meadows are now rendered very unprofitable by reason of the overflowing of water, requesting this board to grant commissioners of sewers for dreining said marsh lands or meadows: Mr. Comfort Starr, Mr. Joseph Crittenden, and Mr. Ebenezer Stone, all of the town of Guilford aforesaid, are appointed Commissioners of Sewers for said service, and a commission as is desired is hereby granted.

Ordered by this board, that the sum of three pounds four shillings be paid out of the Colony treasury to Mr. John Copp and sundry other persons of Norwalk, for charges arising on John Baker, a stranger who came sick and dyed in the town aforesaid, sometime in January last past.

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[87] At a meeting of the Governour and Council in Saybrook, June 21st, 1716.

Present, The Honourable Gurdon Saltonstall, Esq[r], Governour.

John Hamlin, Esq[r],	Peter Burr, Esq[r],
William Pitkin, Esq[r],	Samuel Eells, Esq[r],
Richard Christophers, Esq[r],	Joseph Talcott, Esq[r],
	Roger Woolcott, Esq[r].

A letter in answer to one from the honourable the Commissioners of the Customs to the Governour and General Assembly, dated November 30th, 1715, was read and approved, and ordered to be sent under cover to our agent.*

Minutes of instructions to be the foundation of a letter to our agent, in answer to one of his dated March 27th, 1716, were read and agreed to.

An answer formerly made to the complaints against the government exhibited by order of the Lords Commissioners for Trade, and sent us over by our agent, and communicated to the last Assembly, was read and ordered to be drawn out and sent to him.

Whereas it has been represented to this board, that the Worshipfull John Alling, Esq[r], who was appointed judge of probate in the county of New Haven for the current year, at the General Assembly holden at Hartford in May last, is by the providence of God so disabled, that there is no hope of his being able to attend the said service in some considerable time: It is therefore ordered, that the Worshipfull Samuel Eells, Esq[r], be Judge of Probate in the said county, and exercise the powers belonging to that office during the time of the said Mr. Alling's disability.

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* A copy of the letter is in Foreign Correspondence, I. 134.

Ordered, that a commission of sewers be granted upon the petition of William Pitkin, Joseph Olmsted and others, dated June 19th, 1716.

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[88] At a meeting of the Governour and Council in New London, July 4th, 1716.

Present, The Honb[l] Gurdon Saltonstall, Esq[r]. Governour.

John Hamlin,
Richard Christophers,
Roger Woolcott,
} Esq[rs], *Assistants*.
Christopher Christophers.

Upon information made by Mr. Daniel Taylor and Mr. Daniel Buckingham, justices of the peace in Say-Brook, that Joseph Southworth, master of a sloop from Antigua, arrived at the said town last night, with one person sick of the small pox on board, and several that are in danger of it: Ordered that the said justices, or either of them, do forthwith, by removing of a family or otherwise, provide such a house [89] as they shall judge convenient for the reception of said ‖ Southworth and company, and confine them therein, providing sufficient tenders and other necessaries for them; and they, or either of them, are hereby directed and enabled in his Majesties name, to impress such help for tenders, and such necessaries for the sick, as they shall judge convenient. And in case of any disobedience to the orders that shall be given on this occasion, to impress what persons shall be necessary to guard the said house provided as aforesaid, to prevent, if it please God, the spreading of the distemper. As also the said justices, or either of them, are hereby impowered to impress such help to take care of the vessel and cargo, if need require, as having had the said distemper, may prevent the communication of it by any infection that may be caught on board the same.

Ordered, that the clerk of the council do sign a copie of this order, and transmit the same to one of the said justices forthwith.

At a meeting of the Governour and Council in New London, October 1st, anno Dom. 1716.

Present, The Honourable Gurdon Saltonstall, Esq[r], Governour.
The Honourable Nathan Gold, Esq[r], Deputy Governour.

Daniel Wetherell, Esq[r],
Richard Christophers,
Peter Burr,
Christopher Christophers.
} Esq[rs], *Assistants*.

A letter to Mr. Dummer, dated June 26th, 1716, with minutes drawn up at the Council at Say-Brook, were read in Council and approved.

A vindication of our proceedings about the ports, sent to our agent June 27th, 1716, was read and approved.

[90] Whereas Mr. John Read, attorney for Oliver Noyes, of Boston, Esq^{r}, has by a petition laid before this board shewn, that Mr. Thomas Hooker of Hartford has, at the suit of the said Noyes, been taken in execution for the sum of £164, 2 shillings debt, and about 37 shillings costs, and put into goal in the county of Hartford, whereof Thomas Meekins is keeper, which said Meekins has removed the said Hooker out of the limits of the said goal and often suffered him to walk the streets, and not held him in close confinement within the said goal, whereby the said execution is defeated; and thereupon prayed that proper order may be given in the premises, and justice have its due course: It is thereupon considered, that whereas the care of this matter is by the law committed nextly and immediately to the assistants and justices of the peace in the said county of Hartford, the assistants and justices of peace in said county be forthwith ordered, and they are hereby ordered, to take immediate care that the present goaler, if upon examination had before them, be found guilty of any such breach of trust, be discharged from the same, and be punished for so high a misdemeanour; as also that the said assistants and justices do forthwith appoint another keeper of the said goal, and take care that the said Hooker be taken and kept by him duly confined in the said goal, as the law directs. And it is hereby further resolved, that this order be sent attested by the clerk of the council to the judge of the county court in said county, which shall be a sufficient warrant for him, and he is hereby commanded forthwith to call the said assistants and justices together, and take effectual care that this order be in all the parts of it duly executed, and no such infraction on the constant course of justice be any longer suffered.

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[50] *CONNECTICUT COLONY.*

At a General Assembly holden at New Haven, in his Majesties Colony of Connecticut, in New England, on Thursday, the 11th day of October, in the third year of the reign of our Sovereign Lord George, King of Great Britain, &c., Annoque Dom. 1716.

Present at this Assembly,

The Honourable Gurdon Saltonstall, Esq^{r}, Governour.
The Honourable Nathan Gold, Esq^{r}, Deputy Governour.

Assistants.

John Hamlin, Esq^{r},	Samuel Eells, Esq^{r},
William Pitkin, Esq^{r},	Mathew Allyn, Esq^{r},
Joseph Curtice, Esq^{r},	Joseph Talcott, Esq^{r},

Richard Christophers, Esq^{r}, Abram Fowler, Esq^{r},
Peter Burr, Esq^{r}, John Sherman, Esq^{r},
John Allyn, Esq^{r}, Roger Wolcott, Esq^{r}.

Representatives or Deputies, that were returned to attend at this Assembly, are as followeth, viz:

Col^{o} William Whiting, Capt. Aaron Cook, for Hartford.
Capt. Joseph Wakeman, Lt. Richard Hubbell, for Fairfield.
Capt. Titus Hinman, Mr. Joseph Minor, for Woodbury.
Mr. Sam^{ll} Addams, Mr. Sam^{ll} Butts, for Canterbury.
Capt. Joseph Doolitle, Capt. John Hall, for Wallingsford.
Lt. John Sprauge, Mr. Joseph Marsh, for Lebanon.
Mr. Joshua Ripley, Mr. Joseph Cary, for Windham.
Capt. Tho. Huntington, Mr. Thomas Storrs, for Mansfield.
Mr. Nathan^{ll} Yale, Capt. Sam^{ll} Thomson, for New Haven.
Capt. James Rogers, Lt. John Richards, for New London.
Mr. John Eliott, Mr. Israel Stoughton, for Windsor.
Mr. John Stone, Mr. Sam^{ll} Hoyt, for Stamford.
Major John Clark, Mr. Dan^{ll} Buckingham, for Seybrook.
Mr. Michael Tainter, Capt. James Newton, for Colchester.
Capt. John Griswold, Mr. John Lane, for Killingsworth.
Mr. Edward Bulkley, Capt. David Goodrich, for Weathersfield.
[51] Capt. Thomas Williams, Mr. John Smith, for Plainfield.
Lt. Abram Brunson, Mr. Reignald Marvin, for Lyme.
Mr. John Hooker, Mr. John Wadsworth, for Farmington.
Lt. Joseph Bacchus, Mr. Tho. Leffingwell, for Norwich.
Mr. Francis Barnum, Mr. Rich^{d} Barnum, for Danbury.
Mr. Tho. Kimberly, Mr. John Hubbard, for Glassenbury.
Capt. John Hawley, Mr. Ambrose Thomson, for Stratford.
Mr. Jonath. Law, Mr. Sam^{ll} Clark, for Milford.
Mr. Joseph Phelps, Mr. Joseph Case, for Symsbury.
Capt. Joseph Platt, Capt. John Raimond, for Norwalk.
Capt. Joseph Hulls, Mr. John Riggs, for Derby.
Lt. Joseph Rockwell, Mr. Wm. Savage, for Midletown.
Mr. James Morgan, Mr. James Avery, for Groton.
Mr. Caleb Seward, Mr. John Suttliff, for Durham.
Capt. Mannasseth Minor, Mr. Sam^{ll} Stanton, for Stonington.
Mr. Hez. Brainerd, Mr. John Bouge, for Haddam.
Capt. Nath^{ll} Harrisson, Mr. John Russell, for Branford.
Capt. Dan^{ll} Brewster, Mr. John Brown, for Preston.
Mr. James Hooker, Mr. Caleb Leett, for Guilford.
Mr. Peter Aspinwall, for Killingley.
Mr. Eben^{z} Mead, for Greenwich.

Mr. Jonathan Law, Speaker, } of the House of Representa-
Mr. John Hooker, Clerk, } tives.

This Assembly do establish and confirm Mr. William Harriss of Midletown, to be Lieutenant of the south company or trainband in the town of Midletown aforesaid.

This Assembly do establish and confirm Mr. Hezekiah Sumner of Midletown, to be Ensign of the south company or trainband in the town of Midletown aforesaid.

This Assembly do establish and confirm Mr. John Warner of Midletown, to be Ensign of the north company or trainband in the town of Midletown aforesaid.

This Assembly do appoint Capt. Richard Bushnell of Norwich, Justice of the Peace and Quorum for the county of New London the remainder of this currant year.

This Assembly do appoint Mr. John Griggory of Danbury, Justice of the Peace for the county of Fairfield the remainder of this currant year.

[52] Upon application made to this Assembly by Nathaniel Dunham of Hebron, for and in behalf of the town of Hebron aforesaid, for leave to gather a church and ordain an orthodox minister amongst them: It is hereby granted to them.

Upon application of the inhabitants of the east farmers in the town of Norwich: It is granted and resolved by this Assembly, that the said inhabitants shall be a society or parish distinct by themselves, and have the privileges of a society or parish with respect to a minister and school; the bounds whereof are as followeth: on Preston easterly, on Groton southwardly, on New London River westwardly to the mouth of Quinabaug River, where it falls into the great river, and from thence by said Quinebaug River, as the river runs, to the extent of the bounds of Norwich.

This Assembly do establish and confirm Mr. Jonathan Bell of Stanford, to be Lieutenant of the east company or trainband in the town of Stanford aforesaid.

This Assembly do establish and confirm Mr. Jonathan Slason of Stanford, to be Ensign of the east company or trainband in the town of Stanford aforesaid.

This Assembly do establish and confirm Mr. John Knapp of Stanford, to be Captain of the west company or trainband in the town of Stanford aforesaid.

This Assembly do establish and confirm Mr. John Bates of Stanford, to be Lieutenant of the west company or trainband in the town of Stanford aforesaid.

This Assembly do establish and confirm Mr. Joseph Webb of Stanford, to be Ensign of the west company or trainband in the town of Stanford aforesaid.

This Assembly do establish and confirm Mr. Daniel Brewster of Preston, to be Captain of the south or first company or trainband in the town of Preston aforesaid.

[53] This Assembly do establish and confirm Mr. Samuel Sterry of Preston, to be Lieutenant of the first company or trainband in the town of Preston aforesaid.

This Assembly do establish and confirm Mr. John Freeman of Preston, to be Ensign of the first company or trainband in the town of Preston aforesaid.

This Assembly do establish and confirm Mr. William Billings of Preston, to be Captain of the second company or trainband in the town of Preston aforesaid.

This Assembly do establish and confirm Mr. John Brown of Preston, to be Lieutenant of the second company or trainband in the town of Preston aforesaid.

This Assembly do establish and confirm Mr. Thomas Gates of Preston, to be Ensign of the second company or trainband in the town of Preston aforesaid.

This Assembly do establish and confirm Mr. Allin Ball of New Haven, to be Lieutenant of the company or trainband at the village of East Haven, in the town of New Haven aforesaid.

This Assembly do establish and confirm Mr. Thomas Smith of New Haven, to be Ensign of the company or trainband at the village of East Haven, in the town of New Haven aforesaid.

Upon application of the inhabitants of the west farmers in the town of Norwich: It is granted and resolved by this Assembly, that the said inhabitants shall be a society or parish distinct by themselves, and have the privileges of a society or parish with respect to a minister and school; the bounds whereof are as followeth, viz.: from the mouth of Beavour brook upon a streight line to Doctor Hartshorn's house, and from thence to Scotch Cap Gate, and from thence to the river, and by the river to Lebanon line, and by the said line to Shoatuck river, and by the river to the first station.

[54] Upon application of the inhabitants of the north end of the town of Preston: It is granted and resolved by this Assembly, that the said town of Preston shall be divided into two societies or parishes, and the line by which they shall be divided to be as follows: beginning at Norwich line, thence the dividing line to run half way betwixt the house of Jonathan Gears and the now dwelling house of John Richards, jun^{r}, and from thence a streight line twenty rods east from the now dwelling house of Samuel Sterry, and so the same line till it comes to Stonington bounds.

Upon the petition of Hebron proprietors, in order to have a convenient place for setting the meeting house in the said town fixed and determined: It is ordered by this Court, that if the proprietors and inhabitants of said town who shall be present at a meeting there (regularly warned,) sometime in the first week in November next, or the major part of them, do not agree to a place for that purpose, that then Mr. Joshua Ripley and Mr. Joseph Cary of Windham, and Mr. Samuel Loomiss of Colchester, shall be and are hereby appointed a committee, they or the major part of them, to determine the same; who being called thereto sometime in the said first week in November next, and security given them that they shall be satisfyed for their trouble, shall attend that service; and that no cost be allowed on this petition.

Upon the petition of Micah Palmer of Branford, administrator on the estates of John Whitehead, sen. and Samuel Whitehead, both late of Branford, deceased, for the selling part of a piece of a meadow belonging te the said John Whitehead's estate, lying at Indian Neck, for the satisfying a debt of £2 13*s*. 0*d*., and for the selling part of a piece of land belonging to the said Samuel Whitehead's estate, lying at Dutch House Neck, for the satisfying a debt of £7 11*s*. 0*d*., due from his estate, there being no moveables to satisfy the said debts, or that the said petitioner may have the said land and meadow secured to him and his heirs, and he will see the said debts truly and [55] speedily paid: It is agreed || and resolved by this Court, that the legatees of the aforesaid estates shall have liberty for the space of half a year from this time to pay their rateable parts of the said debts to the administrator; which if they do, then the said lands to be divided among them, otherwise the petitioner is allowed to make sale thereof according to his petition, for the payment of said debts, or to keep it himself if he shall pay the debts out of his own estate.

Upon the petition of Mr. Edward Bromfield of Boston, against the administrator of Thomas Bidwell, late of Hartford, deceased: Resolved by this Assembly, that the administrator of said Thomas Bidwell be fully impowred and enabled, and is hereby enabled, to prosecute said Bidwell's review entered at the superiour court in March last past, and to pursue the issue already joyned by said Bidwell in the case betwixt said Bromfield and Bidwell, and no other, at the superiour court at Hartford, in March next. And in case the said administrator shall refuse or neglect so to do, then it is hereby determined that execution shall go forth, upon the judgment already given in the court aforesaid, upon such estate of said Bidwells as is

already seized by said Bromfield, or so much thereof as will answer said debt, if so much there be, and shall not extend to any other estate of said Bidwells, nor to the person of the administrator.

The gentlemen nominated by the votes of the freemen, brought in to this Assembly, to stand for Election in May next, are as followeth, viz: The Honourable Gurdon Saltonstall, Esq^{r}, the Honourable Nathan Gold, Esq^{r}, John Hamlin, Esq^{r}, William Pitkin, Esq^{r}, Joseph Curtice, Esq^{r}, Richard Christophers, Esq^{r}, Peter Burr, Esq^{r}, John Alling, Esq^{r}, Samuel Eells, Esq^{r}, Mathew Allyn, Esq^{r}, Joseph Talcott, Esq^{r}, Abram Fowler, Esq^{r}, John Sherman, Esq^{r}, Roger Wolcott, Esq^{r}, Mr. Jonathan Law, Mr. John Hooker, Capt. Richard Bushnell, Mr. Warham Mather, Capt. Joseph Wakeman, Capt. James Wadsworth.

[56] Upon the petition of John and Abraham Hoadly contra Nathaniel Johnson: It is resolved by this Assembly, that if the said Hoadlys desire it, they shall have a jury who shall apprize what land they have held at Worlds End by virtue of the deed from their father, William Hoadly, deceased, according to the bounds by which they have held it, to be shewn the said jury by said Hoadlys; and that they shall be charged in their portions for that land according to said apprizement and for no more, which the court of probates are to take notice of and make settlement of said estate accordingly. Always provided, the said John and Abram Hoadlys do, at the costs of the rest of the heirs of the said William Hoadly, deceased, execute in due form of law, instruments amply in the law to acquit, release and disclaim to said heirs all right, title and interest they have to any lands at the said place called the Worlds End, by virtue of said deed; saving only what shall be shewn to and apprized by the jury as aforesaid.

Upon the bill of cost against the said Hoadlys, for which execution is granted by the inferiour court of probate, it is hereby referred to the superiour court in the county of New Haven to be holden at New Haven in March next, to hear and determine, and grant execution as they shall see reasonable therein. And the execution granted for the same by the court of probates is hereby made void, and all further proceedings thereon estopped.

Upon consideration of the petition of John Pratt of Seybrook: This Assembly grants to the petitioner the sum of thirteen pounds, to be paid out of the publick treasury, towards answering his charges for his subsistence last summer and cure of his lameness.

Whereas it sometimes happens that real estate given by will [57] is ordered by the testator to be divided || amongst two or more legatees, and no person appointed in said will for the dividing thereof; or if any person be appointed and neglects or refuseth to make the said division, or dyes before he hath made the same: When and as often as it so happens in either of these cases, it shall and may be lawful for the court of probate in the county where such real estate is, to appoint three freeholders to make a division thereof according to such will, as the law provides for the dividing intestate estates.

An Act for the Equal Distribution of Insolvent Estates.

Be it enacted by the Governour, Council [*and*] *Representatives, in General Court assembled, and it is enacted and ordained by the authority of the same*, That when the estate of any person deceased shall be insolvent or insufficient to pay all just debts which the deceased owed, the same shall be set forth and distributed to and among all the creditors in proportion to the sums to them respectively owing, so far as the said estate will extend; saving that the debts due to this government, sickness and necessary funeral charges of the deceased, are to be first paid. And the executor or administrator appointed to any such insolvent estate, before payment to any be made (except as before excepted) shall represent the condition and circumstances thereof unto the judge for probate of wills and granting of administrations, and the said judge shall nominate and appoint two or more fit and indifferent persons to make a true and equal apprizement of such estate, and administer an oath to them for that purpose, and shall also nominate and appoint two or more fit persons to be commissioners, with full power to receive and examine all claims of the several credit- [58] ors, and how they are made out. || And such commissioners shall cause the times and places of their meeting to attend the creditors, for the receiving and examining of their claims, to be made known and published, by posting up the same in some publick places in the town where such deceased person last dwelt, and also in the county towns of that and the two next adjoyning counties. And six, twelve or eighteen months time (as the circumstances of any estate may require,) shall be allowed by the judge unto the creditors, for bringing in their claims and proving their debts; at the end of which limited time, such commissioners shall make their report, and present a list of all the claims unto the said judge, who shall order them meet recompence out of the estate, for their care and labour in that affair. And the debts due to the government, sickness and necessary funeral charges, as is herein-

before provided, being first subducted, shall order the residue and remainder of the estate to be paid and distributed to and among the other creditors that shall have made out their claims, in due proportion to the sums unto them respectively owing, according as the estate will bear, saving unto the widow, if any be, her right, which by law is already allowed, and her dower, which at the expiration of her term to be also distributed among the creditors in a like proportion.

Provided, That notwithstanding the report of any such commissioners, or allowance thereof made, it shall and may be lawful to and for the executors or administrators to contest the proof of any debt at the common law. And no process in law (except for debts due to the government, sickness and funeral charges,) shall be allowed against the executors or administrators of any insolvent estate, so long as the same shall be depending as aforesaid. And whatsoever creditor shall not [59] make out his || or her claim with such commissioners before the full expiration of the limited time, such person shall be forever after debarred of his or her debt, unless he or she can find some further estate of the deceased, not before discovered and put into the inventory.

A List of the Estate of the several Towns in this Colony, delivered in at the General Assembly, October, 1716.

	l.	*s.*	*d.*		*l.*	*s.*	*d.*
Hartford,	20836	00	00	New Haven,	22225	14	02
New London,	11484	19	06	Fairfield,	18443	05	08
Stanford,	10284	15	09	Guilford,	14278	00	10
Groton,	08373	00	00	Assessments in			
Preston,	06100	08	00	Seybrook,	0380	14	00
Weathersfield,	15972	11	00	Seybrook,	08270	14	06
Midletown,	11838	04	04	Addition to Sey-			
Haddam East,	05103	19	00	brook,	292	04	00
Lyme,	09004	00	00	Stonington;	09221	18	00
Greenwich,	06375	00	00	Norwich,	11508	17	00
Wallingsford,	09621	14	00	Windham,	06341	10	00
Danbury,	04211	02	06	Derby,	03409	04	03
Branford,	08033	02	00	Mansfield,	02245	19	00
Symsbury,	04955	04	00	Haddam West,	03457	04	06
Lebanon,	08549	17	00	Fourfold assess-			
Plainfield,	03076	00	00	ments in Glas-			
Woodbury,	05019	07	00	senbury,	377	12	00
Canterbury,	03445	18	00	Glassenbury,	04438	04	00
Kellingly,	01873	00	00	Addition to			
Waterbury,	02289	08	00	Glassenbury,	18	15	00
Addition to Mil-				Durham,	03030	07	00
ford,	00652	19	09	Killingsworth,	04234	18	10

	l.	s.	d.
Addition to Walingsford,	329	10	06
Addition to Norwich,	414	08	00
Addition to Lyme,	187	00	00
Addition to Fairfield,	349	10	00
Addition to New Haven,	912	05	07
Fourfold assessments in New Haven,	2092	00	00
Fourfold assessments in Symsbury,	551	00	00
Fourfold assessments in Middletown,	348	00	00
Addition to Woodbury,	66	00	00
Milford,	15824	04	00
Farmington,	10967	09	00
Norwalk,	08846	04	02
Windsor,	15530	00	09
Colchester,	05482	12	06
Stratford,	16417	08	09
Addition to Hartford,	460	00	00
Assessments in Hartford,	374	00	00
Addition to Lebanon,	1558	16	00
Fourfold assessments in Stratford,	151	00	00
Addition to Guilford,	571	08	00
Fourfold assessments in Guilford,	336	12	00
Fourfold assessments in Fairfield,	315	00	00

This Assembly grant to the honourable the Governour, his salary for this current year, two hundred pounds, to be drawn out of the publick treasury.

This Assembly grant to the honourable Deputy Governour, his salary for this current year, fifty pounds, to be drawn out of the publick treasury.

[60] An Act for levying a Tax on Polls and other Rateable Estate.

Whereas by an act passed by the General Assembly of the Colony, holden at New Haven, October 12th, 1710, intituled An Act for making and emitting of bills of publick credit, the sum of five thousand pounds in the said bills was emitted, which have been since paid out of the treasury for the satisfying the debts of the Colony: And whereas the said Assembly, for the repayment and drawing in the said bills to the treasury again, by their act did grant a tax or rate of five thousand two hundred and fifty pounds as money, to be levied on polls and all rateable estate within this Colony, within the space of eight years next ensuing the date of the said act, and so much thereof in each of the eight years as this Assembly shall after order and appoint,

It is now ordered and enacted by this Assembly, That for the drawing in the remaining part of said bills into the treasury of this Colony, shall be levied and collected, as the remaining part of the said tax or rate granted as aforesaid, the sum of three pence on the pound, on the polls and all the rateable estate within this Colony, to be levied in the said bills of credit, or in money as it shall generally pass in New England at the time of payment, as is provided in an act passed by the General Assembly of this Colony holden at New Haven, August the 4th, 1710, intituled An Act in addition to and for repealing one clause or paragraph in the act made and passed by the General Assembly of this Colony, begun and held at Hartford, May the 11th, 1710, intituled An Act for the better regulating and giving a more effectual currency to the bills of credit.

[61] This Assembly do appoint Mr. John Brown of Preston, to be Justice of the Peace for the county of New London the remainder of the current year.

Whereas upon the failure of holding a county court in New London in June last, justice will be delayed and greater expences occasioned to those who had actions depending there by review from and continuance by the adjourned court in February before, if due provision be not made to prevent the same,

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all such reviews as were entered at the said court in February, and actions as were then continued to the said court in June last, shall and are hereby revived and continued to the county court in said New London on the fourth Tuesday in November next, and shall and may there be pleaded, heard and proceeded upon. And all parties concerned in the aforesaid actions reviewed or continued at the court in February aforesaid, shall respectively appear at the said court in November next, under the penalty of forfeiting any obligation or recognizance conditioned for their prosecution of their review at the county court in June aforesaid. Provided that such party or parties be now within this Colony or shall come into it eight days before the sitting of the said court; and if any of them shall not return by that time, it shall then be in the power of the said court to continue the cause wherein they are concerned, to the next county court in that county. And all bonds and recognizances taken by any justice of peace for misdemeanour, and returnable at the aforesaid court in June last, are hereby continued to the said county court in November next, and the person or persons bound over thereby shall appear at the said court in November and answer for the mis-

demeanour charged on them, under the penalty of forfeiting their bond or recognizance aforesaid; and that all appeals from the judgment of assistants or justices, which fell with the said court, are also revived.

And this act, or a copy thereof, left at the place of the usual [62] abode || of the parties concerned in the causes aforesaid, or bound over for misdemeanours to the court in June last, shall be a sufficient notification to them for their appearance at the said court in November.

An Act for the emitting Bills of Credit, for paying the Publick Debts of the Colony.

Whereas by an act passed by the General Assembly of this Colony, holden at Hartford, May the 14th, 1713, intituled An Act for emitting bills of credit, the sum of twenty thousand pounds was ordered forthwith to be emitted and delivered to the treasurer by a committee appointed,

It is hereby enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said treasurer be and is hereby impowred to issue forth and emit two thousand pounds of the said bills, towards the payment of the publick debts of this Colony, and the further necessary charges thereof, according to such orders as shall be given him from time to time, according to law.

And be it further enacted by the authority aforesaid, That as a fund or security for the repayment and drawing in of the said bills into the treasury again, this Assembly grants a tax or rate of two thousand and one hundred pounds, to be levied on polls and all other rateable estate within this Colony, to be paid into the treasury at or before the last day of May, 1724; which said rate shall be paid in bills of credit of this Colony, or in money as it passeth generally in the country at the time of payment, and in no other manner.

Liberty is by this Assembly granted to the inhabitants of Greenwich on the west side of Myanos River, to imbody themselves into church estate, with the approbation of neighbour churches.

[Cost allowed by this Assembly to John Edwards, for his attendance at this court to answer unto the petition of Lovis Lyron, the sum of £1 2*s*. 2*d*. *The act upon the above bill is ordered by this Assembly to be razed.*]

[63] Cost allowed by this Assembly to Eviss Applegatt for attendance this Court to answer the petition of Joseph Meaker, the sum of £0 12*s*. 2*d*.

Resolved by this Assembly, That the town of Kellingly shall be assessed at four thousand pounds in the general list of

estates, unless the said town of Kellingly shall cause a true list under the hands of qualifyed listers to be returned to the secretary, to be entered in the general roll of lists, on or before the last day of January next.

Upon consideration of the petition of the inhabitants at the village of East Haven: This Assembly find upon examination that the last act of this Assembly, dated October, 1710, determines them to have no other powers then those that are common to other parishes, and therefore are of opinion that the law does not put the care of the poor into their hands, but into the town of New Haven.

Resolved by this Assembly, That the town of Canterbury are hereby assessed at four thousand pounds, to be set in the general list of estates, unless the said town of Canterbury do cause a true list of their estate under the hands of qualifyed listers to be returned to the secretary on or before the last day of January next.

The petition of the north east parish in New Haven, to have twelve families of the town adjoyning to them added to their parish, is granted with this proviso, that what act or acts about setting the meeting house and settling a minister are already passed among them be void. And provided also, that if the honourable Deputy Governour, and the Reverend Mr. Samuel Andrews be obtained to advise relating to these affairs, and if they cant bring them to an agreement, that then they shall have power to determine all difficulties that may arise in providing for the settling of a worthy minister among them, and the place for building a meeting house.

[64] This Assembly grant Mr. Jonathan Law, Speaker, for his good service in the post of a speaker, twenty five shillings, to be drawn out of the publick treasury.

This Assembly grant Mr. John Hooker for his good service in the post of a clerk this session, twenty shillings, to be drawn out of the publick treasury.

This Assembly grant Hez. Wyllys, Secretary, the sum of eight pounds, to be drawn out of the publick treasury, for his service in that post for this present year.

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all swine going at large upon the commons, not being sufficiently ring'd and yoakt, doing damages in any common field or particular inclosure, and being impounded, the owners of such swine shall pay one shilling per head and all damages, notwithstanding the insufficiency of the fence; any law, usage or custom to the contrary notwithstanding.

Cost allowed by this Assembly to Silence Wilcoxson, for her attendance at this Assembly upon the citation of, and answer to the petition of Eben^{z} Wilcoxson and Thomas Munson, and Mary, his wife, the sum of £1 5*s*. 0*d*.

This Assembly having considered the reports and representations made by the honourable the Governour at the opening this sessions, relating to the affairs of the ports, as also to the letter wrote to our agent in Great Britain, by his Honour and Council, at Seybrook, in June last, upon the same head, and being fully satisfyed with the proceedings therein: Resolved, that the thanks of this Assembly be returned to the honourable the Governour, for his great pains and care therein.

[65]. This Assembly grant to James Peck, constable, || three shillings per day, which amounteth to thirty nine shillings, for his attendance this present session.

This Assembly do appoint the second Wednesday in November next to be observed as a day of thanksgiving to Almighty God, and desire the honourable the Governour to draw and send forth a proclamation accordingly through this Colony.

The whole record of the several acts, grants and orders of this Assembly, as they stand entered in the pages of this book next preceding, were read in the presence of both Houses, and ordered to be signed by the Secretary as perfect and compleat.

HEZ: WYLLYS, Sec'ry.

This Court is adjourn'd till the Governour or Deputy Governour shall see cause to call them to meet again.

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[91] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, DECEMBER 21ST, 1716.

Present, The Hon^{ble} Gurdon Saltonstall, Esq^{r}, Governour.
Richard Christophers, Esq^{r}, *Assistant*.

Jonathan Prentts, John Plumbe, } Esq^{rs}. Christopher Christophers. John Pickett.

Upon a motion made to this board for the calling a special superiour court, for the tryal of a negroe prisoner in the county of Fairfield: This board are of opinion, that it is not necessary to call such a court upon that occasion.

The Governour communicated to this board a letter from Mr. Shackmaple, dated December 21st, 1716, which was read and an answer sent him.

At a meeting of the Governour and Council in New London, January 8th, 171⅘.

Present, The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.

Daniel Wetherell, Esq^r^, Christopher Christophers,
Richard Christophers, Esq^r^, *Assistant*. John Pickett.
Jonathan Prentts, Esq^r^,

Upon complaint of John Waterman, that having possession by lease bearing date November 6th, 1716, from Mr. John Woodward, of a piece of land in Norwich, unfenced, and being on the said land to cart from it a load of firewood, Simon Tracy of said town, under colour of a warrant from Mr. Justice Bushnell, dated December 6th, 1716, did on the 18th of said December, hinder him from loading, and with the assistance of others pulled the wood out of his cart; which said Wa- [92] terman opposing ‖ them in, and warning the said Tracy not to obstruct him, was therefore, under colour of another warrant from said Bushnell, dated the 26th of said December, carried before Mr. Justice Clark of Lebanon, and there by said Clark on the first of this present January, bound over to the county court at New London in June next, and bound to the peace; by which force he is still hindred from making use of the said land, as by his said lease he may lawfully do; copies of the warrants and process before the said justices respectively being produced to this board.

Upon the consideration of these proceedings, which appear to be extraordinary, and very different from the common method in cases of waste, even when unlawfully made by any tenant, and tending to the hinderance and wrong of his Majesties subjects, by putting them off their tenements and hindering their improvements, unless there be great and sufficient reason for it: For the remedying of which disorders, it is thought proper and resolved, that the clerk of the council do signifie to the said justices the above complaint, in a letter, with direction that they attend this board on the 15th instant, and give a right understanding of their proceedings above referred to.

At a meeting of the Governour and Council in New London, January 15th, 171⅘.

Present, The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.

Daniel Wetherell, Esq^r^,
Richard Christophers, Esq^r^, *Assistant*.
Jonathan Prentts, John Plumbe, } Esq^rs^.
Christopher Christophers.

[93] Upon the order of the 8th instant, Mr. Justice ‖ Bushnell and Mr. Justice Clark, having heard read to them the complaint of Mr. John Waterman, presented on the 8th instant, together with the copies

of the writs occasioning the said complaint, as also the process before Mr. Justice Clark against the said Waterman, binding him to the peace, together with the evidence upon which he proceeded therein, as also the lease whereby the Reverend Mr. John Woodward held that parcel of land from William Hide, Caleb Bushnell and others, which Mr. Justice Bushnell ordered the sheriff or his deputy to seize all the wood upon, whether standing or fallen, and hold it in his custody, not suffering any person to remove it, and a lease from the said Mr. Woodward to the said Waterman of the said land,—were asked, whether they knew of any writings, instruments, covenants or compacts, between the said Woodward and Waterman, or between them or either of them and any other persons, by which such a proceeding against the said Waterman by ordering an officer to seize all the trees and timber upon his tenement, and not suffer him to make any improvement of it, might be warranted,—declared they were privy to no such instruments or covenants, writings or compacts whatsoever, nor any other than what was produced and read.

It was thereupon laid before them, that if the owners of the said land suffered any waste contrary to the lease, they might have taken the proper method, by an action of trespass, for the recovery of their just damages; and that any writ whatsoever directing to or requiring any other method of proceeding than such as the law had provided, in such cases, was unwarrantable, and contrary to the right of the lessee; and that the lessee had a just right to occupy and improve the said tenement, according to the power he supposed himself to have by the [94] lease, whatever obstructions or ‖ prohibitions to the contrary he might meet with, as well under colour of law as otherwise; and that the said Waterman, for so improving the said tenement, thô in opposition to any such force, ought not to be look't upon as an offender and bound to the peace, and ought not to be forcibly kept out of the said improvement, as being faulty therein by any means whatsoever.

These things being discussed and thoroughly argued, this board, considering that the local laws of this Colony do not provide in particular any method for the removing of such force that shall be done upon any person on his lawful possession and improvement, have thought it necessary in protection of the right of the subject in general, and of the said Waterman in particular, and with respect to the tenement specially referred to in his complaint, and for the prevention of the like for the future, to direct, and do hereby (till further provision may be made by law,) direct all his Majesties justices of the peace, that they by all suitable means labour to discourage and prevent, as much as in them lies, all such force as may hereafter be attempted, to the disturbance of his Majesties subjects, and the said Waterman in particular, in the said tenement; and that upon complaint made to them, or any of them, they do carefully enquire into any such force, which contrary to the peace of our sovereign lord the King, may be made upon any of his Majesties subjects, and bind such offenders to the peace.

[95] At a meeting of the Governour and Council in New London, February the 19th, 171⅞.

Present, The Hon^ble^ Gurdon Saltonstall, Esq^r^, Governour.

Daniel Wetherell, Esq^r^, Jonathan Prentts, } Esq^rs^.
Richard Christophers, Esq^r^, *Assistant*. John Plumbe, }

Christopher Christophers,
John Pickett.

The Governour signified, that he had been informed that some persons, pretending authority from the General Court, had been laying out a township east of Enfield and north of Tolland, and south of the Colony line, bringing on inhabitants, selling lots to them, and proceeding therein notwithstanding the said land had never been granted by the General Assembly to any person for the use of a town, or any other use; and produced a letter to the purpose aforesaid from Roger Woollcot, Esq^r^, one of the assistants, in his own name and with the concurrence of William Pittkin, Joseph Tallcot, and Mathew Allin, Esq^rs^, assistants: For the preventing of which proceedings, and such mischiefs as may arise therefrom,

Resolved, that a proclamation be issued out and published forthwith in those parts, signifying that such proceedings are without the privity of the government; that the land is still in the grant of the government; and that orders are given out for the apprehending of all persons, who, in pursuance of such evil designs, shall commit any trespass thereon.*

Resolved, that a direction be made to the assistants in the county of Hartford, or either of them, that they take effectual care, that all persons who shall be found to do any trespass on the said land be taken [96] into custody and give bond to appear before the next ‖ General Assembly, or otherwise secured in order to their appearing there, to give account of their so doing to the said Assembly in May next.

* The township was what is now Stafford; Major Fitch claimed the land by an Indian title. A printed copy of the Governor's proclamation is in *Crimes & Misdemeanors*, II. 129; It was answered by a counter proclamation from Major Fitch, in which he says, "As to a kind of a proclamation lately come forth from the Honourable Governour and Council, in February last, I had thought to have taken it to pieces, and I think I could have done it and cut it in as many pieces as the protestant did the popish wooden god," and ends, "God save the King, and the Colony of Connecticut from self defining and self seeking men." An information was exhibited against Mr. Fitch in the General Assembly, in May, 1717; he made a written acknowledgment that he had acted indiscreetly and disrespectfully to his Honor the Governor, asked pardon and promised better behavior, whereupon he was discharged, though the Upper House wished to punish him. Papers relating to the affair are in *Crimes & Misdemeanors*, II., 129, 130, 133–141.

ERRATA.

Page 86, line 8, *for* maintaing *read* maintaining.
Page 197, line 3 from bottom, *for* Harries *read* Haines.
Page 330, line 4, *for* ordereed *read* ordered.
Page 438, line 11, *for* [289] *read* [290.]
Page 498, line 27, *for* Nr. *read* Mr.
Page 534, bottom line, *for* 1812 *read* 1712.

IN THE PRECEDING VOLUME.

Page 441, the list of Farmington should be £08026 18*s*. instead of £080261 18*s*., as printed.

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